

A C T S

PASSED AT THE

FIFTH ANNUAL SESSION

OF

THE GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

BEGUN AND HELD

AT THE TOWN OF CAHAWBA,

ON THE THIRD MONDAY IN NOVEMBER, ONE THOUSAND EIGHT
HUNDRED AND TWENTY-THREE.



ISRAEL PICKENS—GOVERNOR.

NICHOLAS DAVIS—PRESIDENT OF THE SENATE.

AND

WILLIAM I. ADAIR—SPEAKER OF THE HOUSE OF REPRESENTA-
TIVES, UNTIL THE NINETEENTH DECEMBER,

AND

SAMUEL W. OLIVER,

SPEAKER FOR THE REMAINDER OF THE SESSION.



CAHAWBA:

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BLANK PAGE

ACTS OF ALABAMA,

AN ACT

To establish the Bank of the State of Alabama.

Whereas it is deemed highly important to provide for the safe and profitable investment of such public funds as may now or hereafter be in the possession of the State, and to secure to the community the benefits, as far as may be, of an extended and undepreciating currency :

Preamble.

Sec. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a Bank shall be, and is hereby established in the name and for the benefit of the State, to be known under the name and style of the "*Bank of the State of Alabama,*" and the faith and credit of the State are hereby pledged for the support of the said Bank, and to supply any deficiency in the funds hereinafter specifically pledged, and to give indemnity for all losses arising from such deficiency.

Bank established.

Faith and credit of the State pledged for its support.

Sec. 2. *And be it enacted by the authority aforesaid,* That the monies arising, or which may have arisen from the sale or rent of the lands given to this state by the Congress of the United States for the support of a seminary of learning, shall form, compose and constitute a part of the capital of said Bank ; and that His Excellency the Governor, for the time being, together with the President and Directors of the said Bank, or a majority of them shall be authorized and required, for and in behalf of the State, and with a pledge of the public faith and credit to issue to the Trustees of the University of Alabama, state stock, or certificates of debt, bearing an interest of six per cent. per annum payable half yearly to the said Trustees, or kept subject to their order according to the laws of the State, to the amount of such sum or sums as may be from time to time paid over by the said Trustees to the President and Directors of the said Bank, the said interest to be forever applied to the use of said seminary : *Provided,* That the amount vested as aforesaid as part of the capital of said Bank shall not exceed one hundred thousand dollars.

University monies to constitute part of the capital.

Gov. president and directors to issue to trustees of university, state stock.

Amount invested not to exceed \$100,000.

Sec. 3. *And be it further enacted by the authority aforesaid,* That all the monies which may arise from three per cent. granted to this State by the Congress of the United States, on the nett proceeds of lands which have or shall be sold by the United States, within this State, from and after the first day of September, 1819, shall constitute a part of the capital of said Bank and shall be so vested as the

Three per cent. fund vested in stock.

same may be received by this State, and the nett proceeds or banking dividends of said capital shall be applied to the making of Roads and Canals, and improving the navigation of the rivers within this State, or be vested so as to augment the capital until such application shall be directed by law.

Proceeds
of grant for
the seat of
govern-
ment to
form part
of the capi-
tal.

Sec. 4. *And be it further enacted,* That all the monies which may arise or have arisen, from the grant of the United States to this State of sixteen hundred and twenty acres, for the seat of government thereof, shall form a part of the capital of said Bank, and that the nett proceeds or banking dividends of said capital be applied to objects connected with the seat of government, or be vested so as to augment said capital until such application may be directed by law.

Of lease of
salt springs

Sec. 5. *And be it further enacted,* That all the monies which may arise from the lease of the Salt Springs granted to this State by the United States, shall form a part of the capital of said Bank, and that the proceeds shall be vested so as to continually increase the capital until otherwise provided for by law.

Of es-
cheats.

Sec. 6. *And be it further enacted by the authority aforesaid,* That all the monies which may arise from escheats in this State shall form a part of the capital of said Bank; and shall be so vested, whenever sums amounting to one hundred dollars shall have accumulated in the Treasury, but no investment shall be required to be made of a less sum than one hundred dollars, and the proceeds of the same shall be continually vested so as to augment the capital until otherwise directed by law.

All public
funds may
be invested

Sec. 7. *And be it further enacted by the authority aforesaid,* That all other public funds, which the State may hereafter become possessed of, shall form a part of the capital of said Bank, should the investment thereof be authorized by law.

Gov. and
commis-
sioners au-
thorized to
issue state
stock.
For what
term and
amount.

Sec. 8. *And be it further enacted by the authority aforesaid,* That his Excellency the Governor, and five commissioners, to be appointed by a joint vote of both Houses of the General Assembly, shall be authorized to issue State Stock redeemable after a term of years, not exceeding ten years, or at the pleasure of the State, to an amount not exceeding one hundred thousand dollars, bearing an interest not exceeding six per cent. per annum, payable half yearly at the Treasury of this State, or at such place as his Excellency the Governor, and the said Commissioners may contract for in the issue of the said Stock: the said Stock, when so issued, to be in aid of the capital of the said Bank; and all the monies which may at any time be in the Treasury are hereby pledged for the regular payment of said interest, in time and manner as aforesaid, and the public funds of the State of every nature and kind whatsoever, the university fund and 3 per cent. fund excepted, are hereby pledged

Public
funds and
credit of
the state
pledged for
its redemp-
tion.

to secure the principal of said stock, and also the good faith and credit of the State in any case of deficiency of the said public funds.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the following powers, rules, conditions, limitations, and restrictions shall be fundamental laws of the said Bank, viz:—

1st. The president and directors for the time being shall have power to elect and remove the cashier; and they shall also have power to appoint such officers, clerks, and servants under them as shall be necessary for executing the business of the said corporation, and allow them such compensation for their services as may be reasonable.

Power of
the presi-
dent and
directors.

2d. They shall receive money on deposit, and pay away the same to order, free of expense, deal in bills of exchange, and discount notes made payable and negotiable at said Bank, with two or more good names thereon, or secured by a deposit of bank or other public stock, at not more than two thirds of its value, at a rate of interest not exceeding 6 per cent. per annum. No individual partnership or body corporate (the Trustees of the University of Alabama in their official capacity excepted) shall be indebted either directly or indirectly by discount as aforesaid, to the Bank in a greater amount than two thousand dollars.

Discounts
to any in-
dividual
not to ex-
ceed \$2000

3d. The total amount of the debts which said corporation shall at any time owe, whether by bond, note, bill or contract, shall not exceed twice the amount of its capital over and above the monies then actually deposited in bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of this State.

Debts for
the corpo-
ration li-
mited.

4th. In case of excess, the directors under whose administration it shall happen, shall be liable for the same in their private capacities, and an action of debt may in such case be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of this State having jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, and agreement to the contrary notwithstanding. But this shall not be construed to exempt said Bank, or the lands, tenements, goods or chattels of the same: and on their insufficiency, the State of Alabama from being also liable for, and being chargeable with the said excess. Such of the said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act, by which the same was contracted or created, may respectively exonerate themselves from being individually liable, by entering if present their dissent on the books of the Bank, at the time the debt may be so contracted, and forthwith give notice of the same to the Comptroller of the State.

President
and direct-
ors to be
elected.

5th. Immediately after the passing of this act, the legislature shall proceed to elect, by joint vote, a president and twelve directors to manage and conduct the business of the said Bank, whose offices shall continue for one year, and until their successors shall be duly qualified, and all future elections of the president and directors shall be by joint vote of the General Assembly.

Vacancies
how to be
filled.

6th. In case of vacancy occasioned by the death, resignation, or removal out of the State of any director, a majority of the directors shall fill up such vacancy, and the director so appointed shall hold his office during the unexpired term of service of the said director so dying, resigning or removing out of the State.

7th. In case of the death, resignation, or removal out of the State, of the president (unless such removal be temporary, and by permission of the board of directors) the directors shall appoint one of their own body a president, who shall serve until the next session of the Legislature, when such vacancy shall be filled by joint vote of both Houses of the General Assembly.

Who not
eligible as
president
or director.

8th. No person who is not a citizen of this State, or who is a director of any other Bank, or co-partner of any such director, shall be eligible as president or director of this Bank; nor shall any person who is a member of the General Assembly of this State be eligible, to any office in said Bank, or any branch thereof, during the time for which he is elected.

Five di-
rectors to
constitute
a board.

9th. Not less than five directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director whom he by writing under his hand shall nominate for the purpose, and in default of such nomination by the president, or in the case of the sickness or necessary absence of the person so appointed, in either event the board of directors may appoint a temporary president.

Books to be
kept and
proceed-
ings enter-
ed.

10th. The directors shall keep fair and regular entries of their proceedings in a well bound book to be provided for that purpose; and on any question, where two directors shall require it, the yeas and nays of the directors shall be duly inserted on the minutes, and these minutes shall be at all times on demand, produced to the Legislature, or any committee thereof, who may be legally authorized to require the same, and on all such questions every member present shall be required to vote.

President
and cashier

11th. Every president and cashier, before he enters on the execution of his duty, shall give bond with two or more securities, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, conditioned for his good behavior; and the tellers and clerk shall give security in a

sum not less than ten thousand, nor more than twenty thousand dollars.

12th. The president, directors, cashier, and all other officers and servants, shall take the following oath, on entering on the duties of their respective offices:—"I, A. B. do solemnly swear, that I will faithfully discharge the trust reposed in me as Oath.
of the Bank of the State of Alabama. So help me God.

13th. This Bank is hereby incorporated, and made a corporation and body politic by the name and style of the *President and Directors of the Bank of the State of Alabama*, and so shall continue until the first day of January. Name and style of the incorporation.
one thousand eight hundred and forty five, and by that name, shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of what kind, nature or quality soever; and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also, to ordain, establish, and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to the laws, or to the constitution of this state, and generally to do and execute all and singular, such acts, matters and things, which to them it shall or may appertain to do; subject nevertheless, to the rules, regulations, restrictions, limitations and provisions prescribed in this act. May hold real and personal property

14th. The president and directors shall have power to issue notes, signed by the president, and counter-signed by the cashier, not under the denomination of one dollar, on the behalf of said corporation, for such sums and with such devices as they may deem most expedient and safe. Empowered to issue notes.

15th. They shall also, be capable of exercising such other powers and authorities as may be necessary for the well governing and ordering the affairs of the said corporation, and of promoting its interests and its credit.

Sec. 10. *And be it further enacted*, That the bills obligatory and of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand, or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees, successively; and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name, or names. Bills, how assignable.

And bills or notes which may be assigned by order of the said corporation, signed by the president and countersigned by the cashier thereof, promising the payment of money, to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their, private or natural capacity or capacities, and shall be assignable, and negotiable in like manner as if they were so issued by such private person or persons, that is to say; those which are or shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner and with the like effect as foreign bills of exchange now are, and those which are or shall be payable to bearer shall be negotiable, and assignable by delivery only: *Provided*, that all bills or notes issued by said Bank, shall be payable on demand in specie at the principal Bank.

No director, &c. to loan out money at an illegal rate of interest.

Sec. 11. *And be it further enacted*, That no director, officer, clerk, or servant of the said corporation, shall be concerned, either directly, or indirectly, in the practice of advancing or loaning out monies, at an illegal rate of interest, whether the same be done or effected under the form and colour of a purchase or exchange of notes, acceptances, due-bills, check on banks, acknowledgments, or in any other way or manner whatsoever; and all and every such director, officer, clerk, or servant, of this Bank, who shall be concerned as aforesaid in any such practices, shall, in addition to the usual penalties imposed by law, forfeit and pay for each offence, the sum of two thousand dollars, to be recovered by action of debt in any court of record in this State, one half to the use of the informer, and the other half to the use of the State; and to be levied of the goods and chattels, and houses, lands, tenements, and other hereditaments and real estates of the person or persons so offending, if any he or they shall have.

And on failure of any property to answer the said penalty, by a return of *nulla bona*, the person or persons so offending shall and may be taken on execution upon a *capias ad satisfaciendum*, and being so taken, shall not be entitled to the benefit of any act made for the relief of insolvent debtors, until he or they shall have remained, and been confined in prison for the term of six months at least. And any such person being convicted by the verdict of a jury, of any of the practices aforesaid, whether he be a director or officer, or servant of this Bank, shall, on motion of any director, be dismissed from the service of said Bank.

The Legislature to be furnished

Sec. 12. *And be it further enacted*, That it shall be the duty of the president and directors to furnish to the General

Assembly within the first week of every session, statements of the amount of capital stock of said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash on hand, together with all other property of said Bank, both real and personal. And the General Assembly shall have a right to inspect such general accounts in the books of the Bank, as shall relate to the said statement; and shall, whenever it may be deemed necessary, appoint a joint committee of both Houses of the General Assembly for that purpose, with full powers to send for persons and papers. And it shall also be the duty of the comptroller, to inspect such general account in the books of the Bank as often as he may please; and it shall, and it is hereby declared to be his duty, faithfully to report all and every violation of the fundamental rules of this corporation to the legislature: *Provided, however,* That nothing in this clause shall imply a right of inspecting the account of any private individual or individuals, or any body politic or corporate with the Bank.

ed with a statement of the transactions of the Bank.

Comptroller to inspect books and report to Legislature.

Sec. 13. *Be it further enacted,* That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, in gold or silver coin, shall be receivable at the Treasury of this State, and by all tax collectors and other public officers, in all payments for taxes or other monies due to the State.

Notes to be received for all public dues.

Sec. 14. *Be it further enacted,* That the comptroller be, and he is hereby authorized and directed to transfer to the Bank on account of capital, all sums which may be received in the course of the preceding years, on the first day of January, eighteen hundred and twenty-five, and remaining in the Treasury on the first day of March in each and every year.

Comptroller to transfer to bank.

Sec. 15. *And be it further enacted,* That a majority of the members present, at any regular meeting of the directors of the Bank of the State of Alabama, may suspend any director with a view to his expulsion; and any member may be expelled at a meeting of a board of directors specially convened by the president for that purpose, as soon after such suspension takes place as may be practicable, but such expulsion shall not be made by a majority of less than two thirds of the whole number of directors.

Directors may be suspended or expelled.

Sec. 16. *And be it further enacted,* That the Comptroller shall be furnished as often as he may require, not exceeding once a month, with statements of the amount of the capital stock of the Bank, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash on hand, and he shall, under the injunction of secrecy, have the right to inspect all the accounts and books of the Bank: *Provided,* That this act shall not be construed to imply a right of inspecting the accounts of any private individual or individuals with the Bank. And it

Comptroller to be furnished with statements of the condition of the bank.

— to make annual reports to the

legisla-
ture.

shall be the duty of the said Comptroller to make an annual report to the Legislature on the subject of the Bank; and if in his opinion the transactions of the Bank or any particular circumstance relating thereto shall require it, he shall apply to the House for a select committee of three members to be appointed, who shall under a like injunction of secrecy, take into consideration any matters relating to the said Bank, submitted to them by the Comptroller, and report thereon at their discretion to the legislature.

Comptrol-
ler not to
hold any
office.

Sec. 17. *And be it further enacted*, That the Comptroller for the time being shall not be a director, nor hold any office of trust or profit in, or under any Bank whatever.

Mode of
collecting
debts for &
against the
bank.

Sec. 18. *And be it further enacted*, That if any person or persons shall be indebted to said corporation as maker or endorser of any note, bill or bond, expressly made negotiable and payable at said Bank, and shall delay payment thereof, it shall be lawful for the president of the Bank, after having given thirty days notice thereof, to move the Circuit Court of the County where said Bank may be established, on producing to said Court before whom the motion is made, the certificate of the President of the Bank, that the debt is really and bona fide the property of the said Bank, for judgment, and all debts due by the said Bank, by bond, bill, note, or otherwise to any individual or body corporate, may be sued for and recovered in like manner.

Officers
embezzling
its funds.

Sec. 19. *And be it further enacted*, That if any president, director, cashier, or other officer of the State Bank or any of its branches, shall embezzle or fraudulently convert to his or their own use, any sum of money, bank note, bill of exchange, check, bond or other security placed under his care or management, by virtue of his office, or place aforesaid, the person so offending, his aiders, abettors and counsellors, upon conviction thereof, shall be judged guilty of felony, and be sentenced to imprisonment in the public gaol of the County in which the offence has been committed, for a term not less than twelve months, and there remain until he or they shall make good all damages which the bank may have sustained by his or their misconduct, and be fined at the discretion of the jury trying the said offence; and shall forever thereafter be disqualified from holding any office of profit or trust in this State, and shall moreover be liable for the sum so embezzled.

Gov. to
convene
President
and Direc-
tors.

Sec. 20. *And be it further enacted*, That it shall be the duty of his Excellency, the Governor, whenever it is ascertained that one hundred thousand dollars can be had, to convene the president and directors by advertisement in the Cahawba Press, giving twenty days' notice thereof, at the place the Bank may be located for the purpose of carrying this act into effect.

Sums dis-
counted to

Sec. 21. *And be it further enacted by the authority aforesaid*, That the sums discounted on notes with two or more

sufficient securities, as provided for by this act, shall be apportioned among the several counties in this State in proportion to their representation in the General Assembly; and the president or cashier of the Bank shall give notice in some public paper printed in the town in which the Bank may be located, stating the amount that each County may be entitled to borrow, within ten days after the right to borrow in manner aforesaid may arise. And should the sum to which any County may be thus entitled, be not applied for within sixty days by the inhabitants thereof, then it may be discounted as aforesaid to any of the inhabitants of the State who may apply for the same: *Provided*, That the sums so apportioned to any County for which the inhabitants thereof may fail to apply within the time aforesaid, shall be so loaned as to be paid into the Bank on the first day of January thereafter, and remain in Bank for fifteen days, subject to the application of the citizens of such County, or Counties as have not yet received their proportion of discounts in the Bank; and this rule of reserving and apportioning discounts to each County shall be observed by the president and directors of the Bank in each and every year hereafter: *Provided*, That until after the year eighteen hundred and twenty-five a greater sum than eight hundred dollars shall not be appropriated in the erection of buildings for the purpose of carrying this act into effect.

In what the bank shall not deal.

Sec. 22. *And be it further enacted by the authority aforesaid*, That the said Bank shall not deal in articles of goods, wares, or merchandize in any manner whatever, unless it be to secure a debt due said Bank, incurred by the regular transactions of the same, as is provided for in this act.

Bank to be located,

Sec. 23. *And be it further enacted by the authority aforesaid*, That the principal Bank established by this act, shall be located by joint vote of both Houses of the General Assembly; and it shall require a majority of the whole number of votes given to make such location.

Pres't &c. not to endorse for each other.

Sec. 24. *And be it further enacted*, That it shall not be lawful for the president, directors, cashier, or other officers of said Bank, to become endorsers at said Bank for each other, or any other person, or persons.

[Approved December 20th, 1823.]

AN ACT

Supplemental to "An act to establish the Bank of the State of Alabama."

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the powers granted to his Excellency the Governor, and five commissioners, by the eighth section of the above recited act, be, and they are hereby authorized and directed to be performed by a majority of them; and the Governor and three of the above named commissioners shall constitute a quorum to transact any business contemplated by said act.

Powers granted to com's. may be exercised by a majority.

(Approved, Dec. 29, 1823.)

AN ACT

Respecting bail in civil cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that **Plaintiffs** in no case where any action or actions, may be commenced **to make** in any of the courts of record in this state, or before any **oath to** justice of the peace in and for any county, in this state, and **their debts** founded on any bill, bond, note, or account, shall the de- **before they** fendant or defendants, be held to bail unless the plaintiff **can re-** his attorney or agent, shall first make oath, in writing before **quire bail.** some judge, justice of peace, or the clerk who may issue the process, that the defendant or defendants, is indebted to the said plaintiff or plaintiffs, in the sum of by bill, bond, note or account, and that he, she or they, do not require bail for the purpose of vexing or harassing the defendant or defendants; which said affidavit shall be filed in the office from whence the process issued. And the clerk of the court, in which the writ issued, or the attorney for the plaintiff, or the justice of the peace who may issue the summons, shall endorse on the writ or the summons, the sum so sworn to: and the defendant or defendants, shall be held to bail for the sum or sums so endorsed by the clerk, or attorney for the plaintiff, or attested by the justice of the peace, taking such affidavit.

Sec. 2. *And be it further enacted,* That all laws, and parts of laws contravening the provisions of this act, be, and the same is hereby repealed.

(Approved, Dec. 9, 1823.)

AN ACT

To alter the times of holding courts in the first, second, third and sixth judicial circuits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the circuit courts of the first judicial circuit shall commence and be holden in the several counties thereof, at the several times following, that is to say: In the **First cir-** county of Monroe, on the first Monday of March, and **cuit.** second Monday of October: In the county of Clarke, on the third Monday of March, and fourth Monday of October: In the county of Marengo, on the fourth Monday of March, and first Monday after the fourth Monday of October: In the county of Washington, on the first Monday after the fourth **Washing-** Monday of March, and the second Monday after the fourth **ton.** Monday of October: In the county of Mobile, on the second Monday after the fourth Monday of March, and the third Monday after the fourth Monday of October: In the county of Baldwin, on the fourth Monday after the fourth **Baldwin.** Monday of March, and the fifth Monday after the fourth Monday of October: And that in the counties of Monroe and Mobile, the said circuit courts may remain in session for twelve **Term to be** **holden.**

judicial days, and not longer; and in the counties of Clarke, Marengo, Washington and Baldwin, for six judicial days, and not longer.

Sec. 2. *And be it further enacted*, That the circuit courts for the second judicial circuit, shall commence in each and every year, in the county of Dallas, on the first Monday in April, and the third Monday in October, and may continue in session, twelve judicial days, at each term; in the county of Wilcox, on the third Monday in April, and the first Monday after the fourth Monday in October: In the county of Perry, on the fourth Monday in April, and the second Monday after the fourth Monday in October: In the county of Bibb, on the first Monday after the fourth Monday in April, and the third Monday after the fourth Monday in October: In the county of Autauga, on the second Monday after the fourth Monday in April, and the fourth Monday after the fourth Monday in October.

Second circuit.

Dallas.

Wilcox.

Perry.

Bibb.

Autauga.

Sec. 3. *And be it further enacted*, That the circuit courts of the sixth judicial circuit shall commence in each and every year, in the county of Montgomery, on the first Monday in March and September, and may continue in session two weeks; In the county of Butler, on the third Monday in March and September; In the county of Conecuh, on the fourth Monday in March and September; In the county of Covington, on the first Monday after the fourth Monday in March and September; In the county of Henry, on the second Monday after the fourth Monday in March and September; In the county of Pike, on the third Monday after the fourth Monday in March and September.

Sixth circuit.

Montgomery.

Butler.

Covington.

Henry.

Pike.

Sec. 4. *And be it further enacted*, That the circuit courts of the counties of Greene and Tuskaloosa for the ensuing year, shall be holden at the times following, to wit: In the county of Greene, on the last Mondays of February and August, to hold one week; And in the county of Tuskaloosa, on the first Mondays of March and September, and hold three weeks.

Greene & Tuskaloosa.

Sec. 5. *And be it further enacted*, That, by the proper authority, twenty-four additional jurors shall be drawn and summoned to serve the last week of the respective terms provided for by this act, in the county of Tuskaloosa; and the judge presiding is hereby authorized to discharge the jurors in service the two first weeks of the terms respectively.

Additional jurors drawn for Tuskaloosa.

Sec. 6. *And be it further enacted*, That all process and precepts of whatsoever nature, which may have been issued returnable to any of the terms of the said circuit courts as heretofore established, shall be returned to the respective terms of the said courts respectively, as are established by this act.

Sec. 7. *And be it further enacted*, That all acts or acts of acts contravening the provisions of this act, be, and the same are hereby repealed.

(Approved, Dec. 30, 1823.)

AN ACT

To establish regular Justices' Courts in this State.

Justices' courts, when and where holden.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Justice or Justices of the Peace in every Captains company beat in this State, shall hold his or their court, once in every month, at or near the centre of the company beat; nor shall any Justice or Justices of the Peace hold any court, or pass any judgment, in any civil case, (except by consent of parties,) on any other or more than one day in each month, except in case of failure to get through the business in one day; the Justice or Justices shall adjourn from day to day until the business be completed, and at the place herein set: which time and place, together with the cause and amount of the action, shall be set forth in the summons or warrant, and shall be served by a legal officer on the person of the defendant, at least ten days before the sitting of the court.

May render judgment, for what sum. Execution may be stayed, or may appeal.

Sec. 2. *And be it further enacted,* That the Justice or Justices shall pass judgment and issue execution in all cases of a civil nature, when the sum for which judgment is rendered does not exceed fifty dollars: *Provided,* That the party against whom judgment is rendered, may stay the levy of execution on all judgments, under fifteen dollars, thirty days; and above fifteen dollars and not exceeding thirty dollars, sixty days; and on all judgments above thirty dollars, ninety days; or be allowed an appeal, as is hereinafter directed, on giving good security within seven days after judgment, for the payment of the eventual condemnation money, or the surrender and delivery of his body in discharge thereof: but no stay of execution shall be allowed after an appeal trial for a longer term than thirty days in every case: the security on the appeal shall be liable for the debt and costs: and on the trial of all such appeals, if the jury find that the appeal was taken for delay only, they shall find against the defendant not exceeding ten per centum on the amount of their verdict, together with all costs.

Appeals, before whom tried.

Juries—by whom, and how drawn

Sec. 3. *And be it further enacted,* That all such appeals shall be tried before any one or more Justices of the Peace, by not less than five, nor more than seven jurors, to be drawn, empannelled, and sworn, as herein expressly set forth. The Justices residing in each Captain's beat, shall once in each and every year, form a list of all persons therein, subject to serve as jurors, in either the County or Circuit Courts, and shall write each name on a separate piece of paper, which shall be deposited in an apartment of a box to be provided by such Justices, marked No. 1; and shall in open court draw such number of jurors therefrom, as shall become necessary to try appeals before them; which names so drawn, shall be entered in a book by the Justices presiding at the drawing thereof; and shall be put into an

apartment of such box No. 2; and after the names are drawn from No. 1, they shall commence drawing from No. 2, and so on alternately. Any person so drawn and being summoned by a lawful constable or other legal officer, five days before the sitting of the court, neglecting to appear thereat, may be fined by the justice presiding, in any sum not exceeding three dollars, unless he shall shew sufficient cause on oath for such failure, at the succeeding term for said district; and in case of any original juror failing to attend, the Justice shall direct the Constable or other legal officer, to complete the pannel from the by-standers, provided, there shall not be less than three of the original pannel on such jury: *And provided also*, That either party may have one peremptory challenge, and such jury shall for every verdict by them given, receive fifty cents from the party against whom the verdict may be found, to be taxed in the bill of costs; and the presiding Justice in open court shall administer to all such jurors, the following oath: "You do solemnly swear, or affirm, that you will well and truly try the cause now depending between — appellant; and — respondent, and a true verdict give, according to law and the opinion you entertain of the evidence produced to you, to the best of your skill and judgment, without favor or affection to either party, provided the case is not withdrawn. So help you God."

Jurors
failing to
attend,
may be
fined.

Proviso.

Their
compensa-
tion.

Oath.

Sec. 4. *And be it further enacted*, That in all cases pending in any Justice's Court, the best evidence the nature of the case will admit of shall be required, nor shall any person be admitted to prove his own account, by his own oath before such court, without making oath that he hath no other evidence whereby the same can be established: *Provided*, That neither party be permitted to prove by his own oath any claim exceeding twenty dollars; and in all cases of mutual debts and sets-off, the said Justices shall enter up judgment for the defendant where it shall satisfactorily appear that there is a balance due him, and in every instance where a set-off is claimed, it shall only be admissible when the debt is clearly owing to the defendant at the time of the issuing of the process; and on motion, and good cause shewn on oath by either party, the court shall postpone the trial of any cause pending, not exceeding in all two months.

Evi-
dence.

Sec. 5. *And be it further enacted*, That in every case, where any dispute may arise, touching the right of property levied on by any constable or other legal officer, the person having such claim, shall make oath thereof, before any Justice of the Peace, and deliver the same to the levying officer: who thereupon, shall stay further proceedings, and report the same to the next court: at which time it shall be the duty of the Justice presiding to empanel and swear the jury drawn at the preceding court in the manner prescrib-

Right to
property
levied on,
how deter-
mined.

ed in the third section of this act, changing the words appellant and respondent, to claimant and plaintiff, in execution; which jury shall hear and determine all such cases according to the principles of their oath, under the rules and regulations heretofore prescribed by law: *Provided always*, That if the jury shall find such claim to have been made for delay only, or for corrupt motives, the jury shall find in the verdict against such claimant any sum not exceeding twenty-five per centum on the amount of the judgment, together with all costs for which the justice shall issue execution, *instantly*, and the constable or other legal officer, make the money forthwith.

Persons
denying
bonds, &c.
Must make
affidavit
before jus-
tice.

Sec. 6. *And be it further enacted*, That no person in this state shall be permitted to deny his bond, note or bill for money or other thing, unless such person make affidavit in writing before some justice, or in open court, of the truth of such denial; and in case of all notes or contracts, verbal or in writing, or specific articles, the Justice or jury shall ascertain the value thereof, according to the value of such article in the neighborhood; and at the time when and where such article was due and payable, and shall allow interest thereon as on notes of hand.

Justice
may give
judgment
against de-
linquents.

Sec. 7. *And be it further enacted*, That in case any person after being summoned to answer any complaint for debt, before any Justice of the Peace shall, before the sitting of such court, remove out of the district, such Justice shall, nevertheless, give judgment against him on satisfactory evidence; and if any person after judgment of such court, shall remove out of the district or county, before satisfaction is made, such Justice in either case, shall issue execution against such person, which execution being backed by any Justice of the county where such person may be found, may be levied and the money made by any Constable or legal officer of the county.

Constable
absent,
Justice
may ap-
point de-
puty.

Sec. 8. *And be it further enacted*, And all Justices of the Peace shall have power when the lawful constable is absent, disqualified or upon emergent occasions, to appoint a deputy, who shall give sufficient bond and security, and shall take the usual oath of office.

Constables
to make re-
turn of pro-
cess, &c.

Failing to
make re-
turns, &c.
how proce-
ded against

Sec. 9. *And be it further enacted*, That it shall be the duty of all constables to serve all process, and levy executions put in their hands, agreeably to the tenor thereof, and make due returns on the same to the court to which the same is made returnable; and if any constable shall fail to execute and make such returns, or to pay over all moneys received by him on executions to the person entitled thereto, within three days after application, the person so injured may make affidavit of such fact, before any justice of the peace, who shall issue his notice to such defaulting constable and his securities, or as many of them as can be served

with such notice, setting forth the charge, and shall moreover, cause a jury to be summoned to try the same; and if the charge be sustained, it shall be the duty of the said jury to award judgment against said constable, and as many of his securities as may be thus cited, for the amount of the money thus withheld, with ten per cent. damages; which shall be collected as in other cases. And in case any constable or other legal officer shall neglect or refuse to serve any warrant or other process to him directed, the justice on satisfactory proof of such neglect or refusal, may fine him in a sum not exceeding the debt due by the defendant; and all constables shall moreover be subject to be prosecuted and tried for mal-practice in office, in like manner as hereinafter pointed out for justices of the peace, and liable to like pains and penalties: *Provided always*, That all constables shall be liable to the justices for all their fees, which they may collect; but no constable shall be bound to pay over any moneys officially collected by him on execution or otherwise for others, to any justice of the peace, unless such justice shall hold his receipt for the original evidence of the debt, on which the recovery was had.

Sec. 10. *And be it further enacted*, That when any person charged with any offence, and brought before a justice of the peace, shall be discharged for want of sufficient cause of holding to bail, or commitment, the justice or justices may in his or their discretion, discharge the party without costs, and direct the cost to be paid by the procecutor.

Offenders may be discharged & prosecutors to pay costs.

Sec. 11. *And be it further enacted*, That any justice of the peace shall issue summonses for witnesses in any cause to be tried before him, which being served five days before the trial, such witness shall be subject to a fine of three dollars on default; *Provided* sufficient excuse shall not be made at or before the next court; which shall go to the county, and the witness shall moreover be liable to suit and recovery by the party who may have sustained damages in consequence of such default, in any court having jurisdiction: *Provided*, That every witness duly subpoenaed shall be allowed fifty cents per day for each day's attendance on said court, to be paid by the party, or against whom judgment shall be rendered.

Witnesses not attending may be fined.

Proviso.

Sec. 12. *And be it further enacted*, That no sales of property taken under execution from a justice of the peace, shall hereafter be made, except at the place of holding justices' courts on a court day once in every month, between the hours of ten and three o'clock in the day: and it shall be the duty of all officers to advertise all intended sales at three or more of the most public places in the company beat, and at one or more of the most public places in the county, at least ten days before any sale, and shall give a full and clear description of the property to be sold: *Provi-*

Sale of property when and where sold.

Sales to be advertised.

ded, That nothing herein contained shall extend to prevent sales of hogs, sheep and cattle, without their being present.

Com-
mence-
ment.

Sec. 13. And be it farther enacted, That this act shall be in force from and after the first day of June next ; and that all acts contrary to the provisions of this act, be, and the same are hereby repealed.

Fees.

Sec. 14. And be it further enacted, That justices of the peace and constables, shall be allowed such fees as are now allowed by law to such officers. for trials of right of property, for each jury trial, had in pursuance of this act.

Appeals.

Sec. 15. And be it further enacted, That nothing in this act shall be so construed as to prevent either party from appealing from the court hereby established, to the county or circuit court, under the same rules and restrictions that govern appeals from justices of the peace to said courts.

(Approved, Dec. 30, 1823.)

AN ACT

To amend an act, entitled "An act to regulate the proceedings in the courts of Law and Equity, in this State."

Com'rs. of
revenue &
roads to be
commis-
sioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the commissioners of revenue and roads, hereafter to be elected in each and every county in this state, shall be commissioned in the manner hereinafter prescribed.

By whom.

Sec. 2. And be it further enacted, That within five days after each and every annual election, it shall be the duty of the sheriff of each county, to return to the judge of the county court a list of the four persons having the greatest number of votes, whose duty it shall be to commission them ; and the said persons so commissioned, shall before they proceed to the discharge of their duties, take and subscribe the following oath, to wit : I, do solemnly swear, (or affirm, as the case may be,) that I will faithfully discharge the duties imposed on me as commissioner of revenue and roads, for the county of so help me God.

To take
oath.

Vacancies
in, by
whom fil-
led.

Sec. 3. And be it further enacted, That should a vacancy occur, the judge of the county court together with the commissioners of revenue and roads in office, are hereby authorized and required to fill such vacancy ; and the person or persons so appointed, shall hold their office until the next annual election.

May trans-
act busin-
ess without
judge.

Sec. 4. Be it further enacted, That hereafter whenever the judge of any county court in this state, shall fail to meet the commissioners of revenue and roads, by the second day of the term, of any regular court, then and in that case, the said commissioners or a majority of them, shall proceed to transact the business devolving on said court.

Sec. 5. Be it further enacted, That commissioners of re-venue and roads, shall hereafter be exempt from serving on

Exempt

juries, working on roads, or performing ordinary militia duty, during the time they act as such.

(Approved, Dec. 29, 1823.)

from serving on juries, &c.

AN ACT

To compel parties to a suit who plead the loss of any instrument in writing under which they claim a benefit, to make oath of the truth of such pleading.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, no declaration, plea or replication, which sets forth or states any obligation or instrument of writing under which such party claims a benefit, and which is alledged to be lost, and not in the power of the party to produce said instrument or obligation in court, shall be received in any of the courts of this state, unless such party make oath of the truth of such statement in his declaration, plea or replication as the case may be.

(Approved, Dec. 31, 1823.)

AN ACT

Regulating the fees of Justices, Constables and Lawyers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the eighteenth section of an act entitled, an act to revise, consolidate, and amend the several acts relative to Justices of the Peace and Constables, passed December twenty-seventh eighteen hundred and fourteen, as authorizes the sheriff and his deputies to execute any process directed to him or them, by a justice of quorum or of the peace be, and the same is hereby repealed.

Sheriff not to serve process issued by justice.

Sec. 2. *And be it further enacted,* That the 29th section of the above recited act so far as it relates to constable's fees, be, and the same is hereby re-enacted; and all acts and parts of acts contrary to the provisions of that part of said section, be, and the same is hereby repealed.

Act of 1814 re-enacted

Sec. 3. *And be it further enacted,* That from and after the passage of this act, it shall not be lawful for Justices of the Peace to demand and receive for the services herein mentioned, any other fees than those thereunto respectively annexed, viz: Issuing each warrant, summons, subpoena or notice, twelve and a half cents; issuing attachment fifty cents; taking attachment, stay or other bond, twelve and a half cents; each appeal with proceedings thereon including bond, twenty-five cents; each necessary certificate and affidavit, twelve and a half cents; each mitimus or recognition, twenty-five cents; each judgment, twelve and a half cents; each execution, twelve and a half cents.

Fees of Justices.

Sec. 4. *And be it further enacted,* That counsellors and attorneys at law shall be entitled to receive none other than the following fees, to wit: For prosecuting or defending a suit in the county court two dollars; for like services in the circuit court three dollars; for prosecuting or defending a

Fees of counsellors and attorneys.

suit in chancery ten dollars; for prosecuting or defending a mixed or real action, when the title or bounds of lands are in question, fifteen dollars.

Sec. 5. *Be it further enacted*, That if any counsellor or attorney at law shall either directly or indirectly, charge or receive, a larger fee than is allowed in the foregoing section, without making a special contract for the same, he shall be liable to a prosecution for extortion.

Sec. 6. *And be it further enacted*, That hereafter no lawyer shall be entitled to receive more than two per cent. for collecting any money, unless a special contract is made to the contrary.

Com-
mence-
ment.

Sec. 7. *Be it further enacted*, That this act shall commence and be in force from and after the first day of June next.

[Approved, Dec. 31, 1823.]

AN ACT

Concerning Writs of Certiorari.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all causes hereafter removed by writ of certiorari shall stand for trial at the first term of the court, to which the same is returnable.

Sec. 2. *And be it further enacted*, That the clerk of the court after issuing any writ of certiorari, is hereby authorized and required, at the request of either of the parties, to issue subpoenas for witnesses returnable to the same term to which the writ of certiorari is returnable.

(Approved, Dec. 9, 1823.)

AN ACT

Supplementary to the laws respecting Garnishment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That whenever hereafter on the rendition of judgment, any plaintiff or other creditable person shall take the oath required by the third section of an act entitled, an act supplemental to the laws now governing judicial proceedings, passed November twenty-first, eighteen-hundred and eighteen, before any clerk of the circuit or county court, the said clerk shall issue a summons to the person or persons alledged by said oath to be indebted to, or having effects of said defendant or defendants, in his or their hands, to appear at the next term of the court for which he may be clerk, as garnishee or garnishees and said court shall examine and proceed against such garnishee or garnishees, in the manner required by the law against garnishees in original attachment.

(Approved, Dec. 17, 1823.)

AN ACT

To compel defendants to bills of injunction to give bond and security, before they shall have the benefit of executions on their judgments at law.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passing of this act, the defendant or defendants to any bill or bills of injunction, where said bill or bills may be dissolved on an interlocutory order or orders, of the courts exercising chancery jurisdiction, and said bill or bills after such interlocutory order or orders of dissolution, shall be set for hearing; it shall be the duty of the court before whom such order or orders of dissolution may be made, to require of the defendant or defendants to any bill or bills of injunction, bond and security, payable to the complainant or complainants, in double the amount of the sum enjoined on the judgment at law, conditioned to refund the money interest and costs to the complainant or complainants, in the event of said judgment or judgments at law, being perpetually enjoined on the final hearing of said bill or bills of injunction. Def'ts to give bond in double the am't enjoined.

Sec. 2. *And be it further enacted,* That the bond and security taken as aforesaid in the event of said bill or bills of injunction, being perpetuated on the final hearing, shall have the force and effect of a judgment, and executions may issue thereon against the principal and security as on forth-coming bonds for the delivery of property on the day of sale; except, that the decree shall be conclusive evidence of a forfeiture of any such bond or bonds, and an endorsement on said bond or bonds that the same is or are forfeited, shall not be necessary. Bond to have the force of a judgment if the bill is perpetuated.

Sec. 3. *And be it further enacted,* That all acts and parts of acts contrary to the provisions of this act, be, and the same are hereby repealed. Repeal.

[Approved December 17th, 1823.]

AN ACT

To prevent fraudulent conveyances.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all property mortgaged, or under any deed of trust or other legal incumbrance, which may afterwards be removed to any county in this state, the same shall be liable to the payment of any debts which the holder of such mortgaged property may contract, after his settlement in such county, unless the mortgage, deed of trust, or incumbrance, covering such property removed as aforesaid, shall be duly recorded in the clerks' office of the county court of the county, to which such property may be removed, within six months, unless the person bringing such incumbered property into any county in this state, shall have removed from another state; in which case one year shall be allowed for the recording of any such mortgage, deed of trust, or Mortgages &c. on property removed, to be recorded in the county to which it is taken.

Proviso

other legal incumbrance, after such settlement as aforesaid: *Provided however*, That after such record, duly made, the provisions herein shall cease to take effect: *Provided also*, That this act shall not be construed to affect any mortgage, deed of trust, or other legal incumbrance, existing at the time of the passage thereof.

Com-
mence-
ment.

Sec. 2. *And be it further enacted*, That this act shall take effect and be in force, from and after the first day of April next.

(Approved, Dec. 29, 1823.)

AN ACT

Restricting officers from taking commissions on costs collected by them on executions.

Commis-
sions on
costs not to
be collect-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall not be lawful for any constable, sheriff, or coroner in this state, to calculate, exact and collect, commissions on the costs taxed on any execution or executions put in their hands; but shall only demand and collect the commissions allowed by law on the principal, damages and interest.

Sheriffs
not to
serve civil
process is-
sued by
justices.

Sec. 2. *And be it further enacted*, That it shall not be lawful for any sheriff or coroner, to execute process in civil cases issued by any justice of the peace, except attachments; and where any civil process issued by any justice of the peace, is executed by any sheriff or coroner, (except as aforesaid) the same shall be null and void, and of no effect—no judgment thereon shall be rendered; any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall prevent sheriffs and deputy sheriffs from completing business already by them commenced.

Law of
costs de-
clared pe-
nal.

Sec. 3. *And be it further enacted*, That the law of costs shall be deemed and held as a penal law, and no fees shall be taken, but in cases expressly provided for by law.

(Approved, Dec. 31, 1823.)

AN ACT

To provide for the payment of State Witnesses.

Witnesses
paid out of
county
treasury.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the county treasurer in each and every county in this state, to pay off and discharge all certificates which have been or may hereafter be granted to State Witnesses, according to the provisions of the eighth section of "an act, entitled an act concerning witnesses; passed February tenth, eighteen hundred and seven, out of any fines and forfeitures, which have, or may hereafter come into said county treasury.

(Approved, Dec. 31, 1823.)

AN ACT

To increase the compensation of Jurors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, there shall be drawn in the mode now prescribed by law, forty-eight jurors, in each county in this State, where the circuit court shall sit more than one week, who shall be summoned to attend on the first day of the term of the court, and who shall serve during six days, and shall then be discharged: *Provided,* that the grand jury drawn from the said forty-eight jurors shall not be discharged until their business be finished or the court shall direct. Jurors to be drawn.

Sec. 2. *And be it further enacted,* That at the same time of drawing jurors mentioned in the first section of this act, there shall be twenty-four other jurors drawn, who shall be summoned by the sheriff to attend on the first day of the second week of the term; who shall also serve six days, and be then discharged.

Sec. 3. *And be it further enacted,* That where any of the circuit courts of this state shall continue in session for a longer term than two weeks, then and in that case, twenty-four jurors shall be drawn and summoned in like manner to attend each week, the court may so continue in session.

Sec. 4. *And be it further enacted,* That there shall be drawn in the mode now prescribed by law, forty-eight jurors in each county in this state, where the circuit court shall sit for one week; who shall be summoned to attend as now prescribed by law.

Sec. 5. *And be it further enacted,* That the jurors summoned as aforesaid, shall each receive one dollar per day, for each day's attendance at said courts; and four cents per mile in going to, and returning from said courts, and ferriages; to be paid in the manner now prescribed by law. Compensation.

Sec. 6. *And be it further enacted,* That the sixth section of an act, entitled an act to form a sixth judicial circuit, and for other purposes therein mentioned, passed on the thirteenth of December, eighteen hundred and twenty-one, be, and the same is hereby repealed. Repeal.

Sec. 7. *And be it further enacted,* That all talesmen jurors within this state, who shall serve more than one day on the same issue, shall be entitled to prove their service and receive the same *per diem* pay that is now allowed to those of the original *venire facias*. [Approved, Dec. 31, 1823.]

AN ACT

To legalize registering and recording certain deeds or conveyances of land in this State, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any person or persons in this state who have had a deed or deeds of land executed to them, and have

Time for
recording
deeds, &c.
extended.

failed to have the same registered and recorded within the time prescribed by law, that it shall be lawful for the said delinquents within six months after the passage of this act, to have the same registered and recorded in the manner prescribed by law; and a duly certified copy thereof, shall be valid and read in evidence in any court of law or equity in this state: *Provided*, the original deed cannot be obtained, any law to the contrary notwithstanding: *And Provided*, That this act shall not be so construed as to interfere with the legal rights of individuals who may have been concerned in the purchase of such lands.

Deeds, &c.
void a-
gainst a
subsequent
purchaser,
unless re-
corded.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, any deed or conveyance of lands, tenements or hereditaments, lying and being in this state, which shall be made and executed after the passage of this act, shall be void and of no effect against a subsequent *bona fide* purchaser or a mortgage, for a valuable consideration, not having notice thereof, unless such deed or conveyance shall be acknowledged or proved and certified, and lodged within six Calendar months after the time of signing, sealing and delivering the same, with the clerk of the county court, in the county in which the said lands, tenements or hereditaments are situated, to be recorded by the said clerk: *Provided nevertheless*, That such deed or conveyance shall, as between the parties and their heirs, be valid and operative.

Deeds ac-
knowledg-
ed before
justices,
judges, &c.
legalized.

Sec. 3. *And be it further enacted*, That any deed or deeds of lands heretofore acknowledged or probated, before any justice of the peace, shall be valid and operative under the provisions of this act, and the same are hereby legalized: and any deed or deeds for lands heretofore acknowledged, or probated before any justice of the peace, judge of the county court, or judge of the circuit court, shall be valid and operative: *Provided*, That nothing herein contained shall be so construed as to prejudice the rights of persons not a party to any such deed or deeds.

Proviso.

Repeal.

Sec. 4. *And be it further enacted*, That so much of a former law as requires deeds or conveyances of lands, tenements or hereditaments in this state, to be registered and recorded within three Calendar months after the making thereof, be, and the same is hereby repealed.

(Approved, Dec. 9, 1823.)

AN ACT

For the better regulating the Public Officers in the several counties in this State.

Clerk,
sheriff, &c.
absent four
months, of-
fice vaca-
ted.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, if any clerk, sheriff or other county officer, shall absent himself from the county he resides in, for the term of four months, that the office he may hold be vacated.

Sec. 2. *And be it further enacted by the authority aforesaid,* That should any of the vacancies above contemplated occur, it is hereby made the duty of the judge of the county court in which such vacancy may occur, if within his knowledge, immediately to certify the same under his hand and seal to the person, officer or tribunal appointed by law to fill the same; and if complaint shall at any time be made to him of any such vacancy, it is hereby made the duty of the said judge, to inquire into the same, and if found true, to certify as above.

Judge of
county
court to
certify va-
cancy.

Sec. 3. *And be it further enacted,* That when any such certificate shall be made to the proper person, officer or tribunal, shall immediately fill such vacancy.

(Approved, Dec. 31, 1823.)

AN ACT

To provide for contesting the elections of Justices of the Peace and Constables.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter when any election shall be holden either for a justice of the peace or for constable, within the limits of any captain's company, in the several counties in this state, it shall be the duty of the persons holding such elections, to retain in their possession, sealed up and secured, the tickets or votes given in at such election for the space of fifteen days; and should notice be given to them within that time by any of the candidates that the election will be contested, then to make return of all the tickets of votes, given in at any such election, to the clerk of the county court, who shall keep the same, together with their certificate of the person elected, (for the space of fifteen days) in order that said elections may be contested by any one being a candidate: *Provided,* That if the notice as aforesaid should not be given to the persons aforesaid, within the period aforesaid, it shall be their duty to destroy the tickets or votes as is now in other cases prescribed by law.

Managers
to make
returns to
clerk.

Sec. 2. *And be it further enacted,* That when any election for justice or constable, as aforesaid, shall be contested, the person or persons contesting the same, shall within the said fifteen days, notify the clerk of the county court in writing, of such his intentions thereof: it shall be the duty of the clerk to issue a summons to all the candidates offering either to fill justices places or constables, as the case may be, requiring them to appear on a certain day in said county court, and shew cause, if any they have, why the certificate of the election should not be returned, as is now required by law.

Party con-
testing to
notify Cl'k

Sec. 3. *And be it further enacted,* That it shall also be the duty of the clerk to issue a summons to any two justices of the peace, requiring them to attend on the same day

By whom
decided.

with the candidates, and to sit with the judge of the county court; who or a majority of whom, shall have full power to hear and determine, whether the said election has been legally or illegally conducted; and if in their opinion such election has been lawfully conducted, they shall direct the clerk to send on a certificate to that effect, certifying to the Governor the person duly elected; and should they determine the election to be void, upon a full hearing of all the facts and circumstances, they shall order the clerk to certify the same to the captain in whose company the election was held, who shall thereupon order a new election.

Sec. 4. *And be it further enacted*, That this act shall be in force from and after the passage thereof.

(Approved, Dec. 17, 1823.)

AN ACT

Restricting the recovery of claims against the counties respectively, in certain cases.

Claims to be presented within 12 months. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all claims, dues, accounts, and demands, of every description whatsoever, which may be due to any person or persons, or bodies corporate, from any County in this State, shall be presented for allowance to the competent tribunal, within twelve months after they accrue, or become payable: *Provided*, That claims which may be now due by any County, shall not be barred until twelve months after the passage of this act.

Barred if not presented as above. Proviso. Sec. 2. *Be it further enacted*, That all claims, dues, accounts, and demands as aforesaid, not presented for allowance as is prescribed in the foregoing section, shall be barred from recovery, both in law and equity: *Provided*, That nothing herein contained shall affect the claims of minors, who have no guardians appointed, and persons *non compos mentis*, until they may be provided for by law, or until twelve months after the removal of any such inability.

Clerk to keep list of claims. Sec. 3. *Be it further enacted*, That it shall be the duty of the clerks of the several county courts to keep a correct list of the amounts of all claims allowed, as is provided for by this act, with the names of the persons to whom granted; which list shall be ready for the inspection and examination of the judges of the respective county courts, and commissioners of revenue and roads, when they assess the county levy, and at all other times when required.

Sec. 4. *Be it further enacted*, That this act shall commence, and be in force, from and after the first day of January next.

(Approved, Dec. 9, 1823.)

AN ACT

Authorizing the County Court of Limestone county to make certain allowances therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the county court of Limestone county, be, and they are hereby authorized to draw on the treasurer of said county, in favour of the clerk of the county court, and the clerk of the circuit court of said county, for such sums of money as they may think reasonable and just, as a remuneration to said clerks, for office rent and stationary furnished by them respectively.

(Approved, Dec. 31, 1823.)

AN ACT

To change the time of holding the County Courts in Bibb and Pickens Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the times of holding the county courts of Bibb county be changed from the first Mondays in January and July, to the third Mondays of January and July; and that all causes in said court which stand for trial and are returnable on the first Monday in January, stand for trial and be made returnable on the third Monday in January. In Bibb.

Sec. 2. *Be it further enacted,* That the courts held by the judge and commissioners of revenue and roads in Pickens county, shall hereafter be held on the third Mondays in February, May, August and November, in each and every year. In Pickens.

[Approved December 17th, 1823.]

AN ACT

To authorize the Stock-holders in the Tombeckbe Bank to remove the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for the stock-holders in the Tombeckbe Bank to remove the said bank, if it should be deemed advisable, to any other place in this state. Bank may be removed.

Sec. 2. *And be it further enacted,* That a meeting of the stock-holders in said bank, may at any time hereafter be called by the president and directors for the purpose of ascertaining their sense on the question of removing the said bank; by giving four weeks previous notice of the time and place of meeting, in some news-paper published in the city of Mobile; and the object for which the said meeting is called. And in any meeting thus called, the stock-holders may vote either in person or by proxy; and on the said question each share shall be entitled to one vote, and a majority of the whole number of votes shall be necessary to remove the said bank, and if removed, to determine the place to which it shall be removed. The president and Pres't &c. may call meeting of stock-holders.

directors for the time being, shall have power and authority to appoint five stock holders, not of the board of directors, judges, who shall receive the votes and decide all questions arising in the said meeting: *Provided*, That the permission herein granted shall not extend to authorize a second removal of said bank.

(Approved, Dec. 31, 1823.)

AN ACT

To amend the Charter of the Tombeckbe Bank.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, all bills and notes, issued by the president directors and company of the Tombeckbe Bank, for the payment of a sum of money not less than fifty dollars each, and payable to the order of some person or persons, may be made payable at any time not exceeding one hundred and twenty days from the date thereof.

(Approved, Dec. 29, 1823.)

AN ACT

To repeal in part and amend the act to establish a Bank in the town of Mobile, passed on the 20th day of November in the year 1818.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the corporation of the bank in the town of Mobile shall be, and is hereby authorized to issue bills or notes for sums not less than fifty dollars, payable at periods not exceeding one hundred and twenty days; the said bills or notes being signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, obligatory, assignable, and negotiable, as prescribed in the eighth section of the above recited act.

Bank may
issue notes
payable at
120 days.

Sec. 2. *And be it further enacted, by the authority aforesaid*, That so much of the said act in the said eighth section, as provides that the bills or notes as aforesaid, shall be made payable at periods not exceeding sixty days be, and the same is hereby repealed.

(Approved, Dec. 17, 1823.)

AN ACT

To amend the Charter of the Planters' and Merchants' Bank of Huntsville and to provide for the speedy resumption of specie payments thereby.

Bank to
pay specie
on 1st Aug.
and not to
suspend
thereafter,
without
consent of
General
Assembly.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Planters' and Merchants' Bank of Huntsville shall on or before the first day of August next, resume specie payments, and shall not after said date fail or refuse to pay specie for any note or notes it may have issued, without the consent of the General Assembly of this State first obtained, authorizing the suspension of specie payment.

Sec. 2. *And be it further enacted*, That if at any time af-

ter the first day of August next it shall be ascertained, by note regularly protested for non-payment, that said Bank has refused to pay specie for any note it has issued, or may issue, then and in that event the charter of said Bank shall be forfeited, and the Governor is required to issue his proclamation declaring it null and void.

Specie payments not continued, Charter forfeited.

Sec. 3. *And be it further enacted*, That in the event of a forfeiture of the charter of said Bank being incurred under the provisions of this act, the stockholders thereof shall still continue to enjoy all their corporate powers unimpaired for the term of three years from the date of the proclamation declaring said forfeiture: *Provided*, the said president and directors shall make no new discounts or loans, but shall call in at the rate of five per cent. at the expiration of the first sixty days on the amount which may be due said Bank, at the time of such forfeiture, and the same amount at the expiration of each sixty days thereafter, until the whole amount of debts shall be paid.

Corporate powers to be enjoyed for 3 years, if forfeiture is incurred.

Discounts to be called in.

Sec. 4. *And be it further enacted*, That if at any time after a forfeiture of the charter of said Bank, and proclamation thereof made by the Governor in pursuance of the second section of this act, the said president and directors shall, in any way or manner, evade or violate the provisions contained in the foregoing section of this act, the said president and directors shall be liable each in their individual capacities, to a fine of ten thousand dollars, to be recovered by motion in any court having jurisdiction of such amount, giving to the said president and to each of the directors against whom such motion may be made, twenty days' notice of the time and place of making such motion; one half of said fine to go to the use of the informer, and the other half into the Treasury of this State: *Provided however*, That the president or any director who may be absent at the time of such violation, or who being present shall protest against the same, and give public notice thereof to the solicitor of the fifth judicial circuit within thirty days after such violation, shall not be subject to the fine hereby imposed.

Provisions of this act violated, president, &c. liable to a fine.

Proviso.

Sec. 5. *And be it further enacted*, That the preceding sections of this act shall form a part of the charter of said Bank, so soon as the assent of a majority of the stockholders, both in number and scale of voting, as prescribed by the charter, and of the president and a majority of the directors thereof, signed by said stockholders, president and directors, with the seal of the corporation thereunto attached, shall be transmitted to the Governor of this State, together with an expose of the state and condition of the Bank; and the Governor is hereby authorized and required, on the receipt of said assent and expose, to order the writ of *quo warranto* depending against said Bank to be dismissed: *Provided*, the said Bank shall pay to the State all costs

This act made a part of the charter, if assented to by a majority of the stockholders, &c. and writ of *quo warranto* to be suspended.

Proviso.

which may have been incurred in the prosecution of said writ.

Bank refusing, this act declared null and void.

Sec. 6. *And be it further enacted*, That in case of a refusal or failure on the part of the stockholders, president and directors of said Bank, to give their assent and furnish an expose as aforesaid, on or before the first day of March next, then and in that case, this act shall be null and void, and the writ of *quo warranto* shall be prosecuted against said Bank as if this act had not passed.

Sec. 7. *And be it further enacted*, That the Governor upon the receipt of such assent and expose, be, and he is hereby, required to issue his proclamation, stating that fact; which shall be published in the Cahawba Press: and upon such publication the notes of said Bank shall be receivable in payment of all taxes, fines and forfeitures due to this State.

Sec. 8. *Be it further enacted*, That nothing contained in the above recited act, whether accepted or rejected by the president, directors and company of the Planters' and Merchants' Bank of Huntsville, shall be so construed, as to lessen, impair or interfere in any wise whatever with the laws heretofore passed, giving summary process for the recovery of specie against said Bank to the holder or holders of any bank note or notes heretofore issued, or which may be hereafter issued by the president, directors and company of said Planters' and Merchants' Bank of Huntsville.

(Approved, Dec. 31, 1823.)

AN ACT

To enable the Mayor and Aldermen of the city of Mobile to pass Quarantine Laws.

Whereas the city of Mobile, from its peculiar situation, is exposed to the danger of contagious diseases introduced from foreign ports,—for remedy and prevention whereof,

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the mayor and aldermen of the city of Mobile, be, and they are hereby authorized and empowered, to pass such quarantine laws as they may deem necessary for the preservation of the health of said city, and to enforce the same by such pains and penalties as to them may seem meet: *Provided*, That said quarantine law shall operate alone for the purposes herein named: *Provided also*, That said laws be not contrary to the laws and regulations of this state.

(Approved, Dec. 31, 1823.)

AN ACT

In relation to seamen belonging to vessels in Merchants' service.

Seamen deserting ships without leave may be arrested. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That if any seamen or mariner who shall have signed a contract to perform a voyage in any ship or vessel, shall at any place within this state, desert or absent himself

from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace, upon complaint under oath, to issue his warrant to apprehend such deserter and bring him before such justice; and if it shall appear by due proof that he has signed a contract to perform a voyage as aforesaid, and that such voyage is not finished, altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the said justice shall commit him to the house of correction, or common jail, there to remain until the said vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, the master paying all costs and expenses.

rested and
put in jail.

Sec. 2. *And be it further enacted*, That if a person shall harbor or secrete any seamen or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person on conviction thereof, before a justice of the peace, shall forfeit and pay ten dollars for every day which he, she or they, shall continue so to harbor or secret such seamen or mariner, to be sued for in the name of the state to the use of the person prosecuting for the same.

Persons se-
creting
seamen, li-
able to a
fine.

Sec. 3. *And be it further enacted*, That every constable who may apprehend any seaman or mariner who has deserted or left his vessel as aforesaid, shall receive the sum of five dollars as his fees for such apprehension.

Constables
apprehen-
ding, shall
receive
five dollars

Sec. 4. *And be it further enacted*, That no master of any vessel within this state shall hire, receive or ship any seaman or person belonging to, and pretending to be discharged from any other vessel, unless such seaman or person shall have a certificate of his discharge, signed by the master or officer commanding such vessel, or shall produce other satisfactory testimony of his discharge to some justice of the peace, whose certificate shall be received in lieu thereof; and any person who may contravene the provisions of this act, shall forfeit and pay the sum of fifty dollars, to be recovered in any court having jurisdiction thereof, one half to the use of the informer, and the other half to the use of the poor of the county in which suit may be instituted.

Masters
not employ
unless he
produce a
certificate
of dis-
charge.

(Approved, Dec. 31, 1823.)

AN ACT

To amend an act entitled, an act for the government of the port and harbour of Mobile, passed 23d December, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the twenty-first section of the act entitled, an act for the government of the port and harbour of Mobile, passed the twenty-third day of December, eighteen hundred and twenty-two, be, and the same is hereby repealed.

Sec. 2. *And be it further enacted,* That all regular packets plying between the ports of Mobile and New Orleans, their owners, masters and consignees, shall be amenable to all the regulations and provisions, and liable for all the fines and penalties provided for by the act (hereby amended) for the government of the Port and Harbour of Mobile, in relation to vessels not exempted by said act, from the payment of harbor-masters' fees—And that all steam-boats (excepting those which may ply as ferry-boats between Mobile and Blakeley) of more than two hundred tons shall pay at the rate of one half a cent per ton; and all steam-boats (other than those excepted) of the burthen of two hundred tons and under, shall pay the sum of one dollar each, on their arrival within the harbor of Mobile, as fees to the harbor-master of the port of Mobile.

(Approved, Dec. 17, 1823.)

AN ACT

To authorize the Judge of the county court, and the Commissioners of the roads and revenue of Mobile county, to levy an extra tax, for the building a court house and jail in said county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the judge of the county court, and the commissioners of the roads and revenue of Mobile county, (at the same time that they may levy a county tax) be, and they are hereby authorized and required to levy, from year to year, as long as may be necessary, an extra tax on all persons and property in said county, liable to taxation, not exceeding the amount of the state tax, for the purpose of building a court house and jail in said county; which shall be collected by the tax collector of said county, in the same manner and at the same rate of compensation, that the state tax be collected, and paid over by said collector to the treasurer of the county aforesaid.

Sec. 2. *And be it further enacted,* That the county court of Monroe county consisting of the judge and commissioners of roads and revenue, is hereby authorized to levy a county tax not exceeding fifty per cent. on the state tax, for the purpose of building a jail in said county.

Sec. 3. *And be it further enacted,* That the judge of the county court and commissioners of roads and revenue of St. Clair county, are hereby authorized to levy a county tax, not exceeding one fourth of the state tax, to be paid by the tax collector of said county to the commissioners of public buildings in said county, and by them to be paid over to the undertaker for building the court house of said county.

(Approved, Dec. 31, 1823.)

County
court of
Mobile to
levy tax.

County
court of
Monroe to
levy tax.

Of St. Clair
to levy tax.

AN ACT

To amend an act passed at Huntsville the sixteenth December, 1819, entitled, an act to establish a public road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall and may be lawful for John Byler and his associates, to erect a toll gate at some convenient point between township number twelve, and seventeen for the purpose of receiving toll. Toll gate may be erected.

Sec. 2. *And be it further enacted,* That it shall be the duty of said Byler, and his associates, or their agent, to give to each and every person passing inward, a note or ticket signifying that he, she or they, have paid the toll allowed by law; which shall be sufficient for he, she or they, to pass through the other gate kept by said Byler and his associates, on said road toll free. To give a ticket.

Sec. 3. *Be it further enacted,* That it shall not be lawful for any person or persons, to make any parallel road for the purpose of going round the gates authorized by law on said Byler's road.

Sec. 4. *Be it further enacted,* That nothing in this act shall be so construed, as to authorize said Byler and his associates, to receive any toll from any citizen of the county of Tuskaloosa, who may merely have to pass through said gate going to or from court, or other ordinary business: *Provided,* That the road known and called Burleson's road shall not be deemed a parallel road to the said Byler's road: *And provided also,* That the said Burleson's road shall not approach nearer than one half mile of the place where the said Byler's toll gate now stands. Certain persons to pass toll free.

(Approved, Dec. 24, 1823.)

AN ACT

To amend an act, entitled "An act to establish a public road from the house of John Gandie in Morgan county, to Baltimore, or Morgan's Springs in Blount county," passed December 23d, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Abraham Stout and his associates, be, and they are hereby authorized to extend said road from where the same terminates near Baltimore, the most eligible route to intersect the road leading from Blountsville in Blount county, to the town of Tuskaloosa, at, or near the town of Elyton in Jefferson county. Road may be extended.

Sec. 2. *And be it further enacted,* That the said Abraham Stout and his associates, so soon as they shall have extended said road, and opened the same in strict compliance with the third and fifth sections of the act, to which this is an amendment, shall be authorized to erect a turnpike gate at some convenient place on that part of said road hereby established, and demand and receive of, and from each, and every person who may travel thereon, the same rates of toll May erect gate.

allowed on that part established by virtue of the fifth section of the act, to which this is an amendment.

(Approved, Dec. 9, 1823.)

AN ACT

To change the State Road, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Daniel Taylor, David Neel and Joseph D.

Com's. appointed for road from Neel's to Huntsville.

Harrison, be, and they are hereby appointed commissioners for the purpose of reviewing and to mark out a way for a road to commence at David Neel's, in Cahawba Valley, Shelby county, to run from thence north, on the best, nearest and most direct route, the nature of the country will admit of, to Joseph D. Harrison's, in Blount county, then intersecting the road leading from the town of Tuskaloosa to Huntsville.

From Montevallo to Shoal Creek.

Sec. 2. *And be it further enacted,* That Wheeler Randall, Bennett Ware and Minor W. Havis, be, and they are hereby appointed commissioners to view and lay out a way for a road, to commence at the east end of Main-street in the town of Montevallo (Wilson Hill) and from thence, the nearest and best route, to the ford on Shoal Creek; then intersecting the state road, thereby changing the present route of the said road.

To take oath.

Sec. 3. *And be it further enacted,* That the commissioners aforesaid shall before they enter upon the duties aforesaid, take and subscribe the following oath or affirmation, to wit: I, do solemnly swear or affirm as the case may be, that I will, well and faithfully discharge the duties herein required of me, as commissioner, to the best of my ability and judgment, so help me God. Which affidavit, shall be filed away in the clerk's office of the county courts, to which they severally belong.

To make report.

Sec. 4. *And be it further enacted,* That it shall be the duty of the commissioners aforesaid, after performing the duties required herein, to make a concise report thereof to the judges of the county courts of Shelby and Jefferson, whose duty it shall be to appoint overseers to cut out, and open the same.

Their compensation.

Sec. 5. *And be it further enacted,* That the commissioners appointed by the first section of this act, shall each, receive as compensation for their services, two dollars per day, for each day they may be necessarily employed in reviewing and examining the said proposed route, by producing a certificate from the clerk of the county court, to that effect: *Provided,* That the commissioners aforesaid shall make oath to the same: *And Provided further,* That the said commissioners shall be paid out of their county treasuries respectively.

Proviso.

Sec. 6. *And be it further enacted,* That Isaac Moore,

Robert Morrison and John Chandler, be appointed commissioners to examine the state road leading from the town of Cahawba through the Pleasant Valley, (from Mr. Aylett's to Dr. Phillip's,) and ascertain whether a better can be found, and at less expense and labor, and of more public utility, than the road at present established; and if so to report the same to the judge of the county court of Dallas county; upon which report, if the same should be in favor of any alteration, to appoint an overseer for said road so reported: *Provided*, That said commissioners shall have no pay for their trouble.

Com'rs. for
road to Dr.
Phillip's.

Sec. 7. *And be it further enacted*, That the commissioners heretofore appointed in Montgomery county to re-view and mark out the state road from Line Creek to Tus-kaloosa, be required so to change the route of said road, as that the same shall pass through the town of Coosawda.

Road in
Montgoma
ery to be
changed.

(Approved, Dec. 31, 1823.)

AN ACT

To amend an act, entitled an act to establish a Turnpike Road leading from Lawrence to intersect the Military Road at Pikesville, in Marion county, passed, December 26th, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the first section of an act entitled, an act to establish a turnpike road, leading from Lawrence to intersect the military road at Pikesville in Marion county, passed Decemher twenty-six, eighteen hundred and twenty-two. as establishes a public road to commence at Martin's Gap, in the south-west corner of Lawrence county, running thence the nearest and most direct way, so as to intersect the military road leading from Nashville to New-Orleans, at Pikesville, in Marion county, be. and the same is hereby repealed.

Repeal.

Sec. 2. *And be it further enacted*, That instead of commencing the road at Martin's Gap, as required by the first section of the act herein recited, it shall and may be lawful for Joseph Burleson and his associates, to commence the said road at Sutton's Gap in the county of Lawrence; and to run the same the nearest and most direct way so as to intersect Byler's turnpike road at a point not less than half a mile south of the place at which the toll gate now stands on said Byler's turnpike road, not passing within less than a half mile of said gate; thence to run the said road the nearest and best way the country will admit, so as to intersect the military road at a point not more than eighty poles south of Pikesville, in the county of Marion.

Road to
commence
at Sutton's
Gap.

Route of
road.

Sec. 3. *And be it further enacted*, That the time allowed for opening and completing the said road shall be, and the same is hereby extended, to the first day of October, one thousand eight hundred and twenty-four.

Time for
opening
extended.

Sec. 4. *And be it further enacted*, That all laws contrary to the provisions of this act be, and the same are hereby repealed. (Approved, Dec. 24, 1823.)

AN ACT

To amend an act, entitled "An act, to appoint Commissioners to lay out certain Roads therein specified, and for other purposes."

Com's. appointed.

Place to commence and end.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James Huckaby, Lodewick Moore, John Spann, William Sillman and Thomas Ford, be, and they, or a majority of them, are hereby appointed commissioners to review and mark out so much of the state road leading from Greensborough, in the county of Greene, to Mobile, as is hereby described: They shall commence at John Lockhart's in the county of Marengo, and end at the Choc-taw Spring in said county, selecting the nearest and best route.

Sec. 2. *And be it further enacted*, That the commissioners named in the first section of this act, shall, before they enter on their duties, take the oath prescribed in the fifth section of the act to which this is an amendment, and make their report accordingly.

(Approved, Dec. 29, 1823.)

AN ACT

To repeal in part an act declaring certain roads therein named public roads, until otherwise provided for by law, passed December the 24th, 1822.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That so much of the aforesaid act as relates to the apportioning the hands to work on the road from Canton to Pursley Creek, be, and the same is hereby repealed.

(Approved, Dec. 29, 1823.)

AN ACT

To amend an act, entitled an act to establish a public road from Ditto's Landing to Marston Mead's.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the eighth section of the act to which this is an amendment, entitled an act to establish a public road from Ditto's Landing to Marston Mead's in Blount county, passed December 30, 1822, as related to the running said road through any part of the Indian land, be, and the same is hereby repealed.

(Approved, December 20, 1823.)

AN ACT

Declaring the old road from Warren Stone's, in Montgomery County, to the town of Montgomery, the state road, and for other purposes.

Old road declared the State road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That instead of the new road leading from Warren

Stone's to the town of Montgomery, in Montgomery county, known as the state road, the old Cahawba road be, and the same is hereby, declared to be the state road.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, the aforesaid new road from Warren Stone's to Montgomery, shall cease to be considered as a public road.

Sec. 3. *And be it further enacted*, That the old road from Warren Stone's to Cahawba. shall be kept open and considered a public road; and the county courts of the different counties through which said old road passes, shall apportion hands to work on said road, accordingly.

Sec. 4. *And be it further enacted*, That hereafter there shall be but three apportioners in each captain's beat, to be appointed by the county court, whose duty it shall be to apportion all hands in their respective beats liable to work on roads, to all such public roads as may pass through such beat or beats. Road apportioners.

Sec. 5. *And be it further enacted*, That such apportioners shall take an oath before entering on the duties of their appointment, to apportion all such hands with impartiality; and any person refusing to act as an apportioner when appointed, without good cause shewn, shall be fined in a sum not exceeding twenty dollars; which apportionment shall be made within fifteen days after they are notified of their appointment, any law to the contrary notwithstanding. To take oath.

Sec. 6. *Be it further enacted*, That all hands liable by law, to work on public roads, who may remove into any beat in this State, after such apportionment is made, shall notwithstanding be warned by the overseer, and required to work on such public road, which they may be thus warned, as now pointed out by law.

(Approved, Dec. 31, 1823.)

AN ACT

To authorize Rodah Horton and associates, to construct a Turnpike Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Rodah Horton and such other persons as may be associated with him for the purpose, be, and they are hereby authorized and empowered to make a turnpike road of the public road running from Ditto's Landing, on the Tennessee River, ten miles, to the town of Huntsville, in Madison county, and thence seven and an half miles north, to the Beaver-dam fork of the Flint River, one mile south of Meridianville, in said county. Road from Ditto's Landing to Beaver-dam fork to be turnpiked.

Sec. 2. *And be it further enacted*, That the judge and commissioners of said county of Madison, be, and they are hereby, authorized and empowered to decide upon, and determine when said turnpike road, or a part thereof, shall be completed in such manner as to entitle the proprietors County court to determine when it is completed.

thereof, to receive such toll as is hereinafter provided for.

Toll to be received in proportion to the part completed.

Sec. 3. *And be it further enacted,* That whenever one third part of the said turnpike road shall be completed, the proprietors thereof, shall be entitled to receive and collect that proportion of such toll as is authorized by the provisions of this act; and whenever two thirds of said turnpike road shall be completed, the amount of toll may be increased in like proportion: *Provided,* That said proprietors shall keep said proportions of said turnpike road, in good and sufficient repair; and should they neglect so to do, the

Proviso.

Road not kept in repair, county court to order gates to be thrown open.

said county court is hereby required to ascertain the fact of such neglect, and order the gate or gates thereon to be thrown open, and to continue open, until said road shall, in the opinion of said court, be so repaired as to authorize the proprietors to receive toll from travellers thereon: of which, as in cases of a forfeiture of the right to receive toll, public notice shall be given in at least one of the Huntsville newspapers, which advertisement shall be signed by the clerk of the county court, by order of said court, and inserted three times (at least) at the expense of said proprietors.

Sec. 4. *And be it further enacted,* That whenever the said Rodah Horton and associates, shall have completed said road in manner hereinafter described, they shall be entitled to receive for the whole distance thereof, the following rates of toll, to be apportioned at the several gates according to distance, viz:

Rates of toll.

For every four wheel carriage, with two horses, one dollar; for every wagon drawn by more than two horses, one dollar and fifty cents; for every wagon drawn by two horses, one dollar; for every Jersey wagon, gig or sulkey, drawn by one horse, seventy-five cents; for every horse and rider, twenty-five cents; for every additional or extra horse, twelve and a half cents; for each foot passenger, six and one fourth cents; for droves of cattle, each head, three cents; for droves of sheep, goats or hogs, each head, two cents.

Right granted for 35 years.

Sec. 5. *And be it further enacted,* That the said Rodah Horton and associates, their heirs or legal representatives, shall be, and they are hereby, vested with the exclusive right and authority to demand and receive the above rates of toll for the term of thirty-five years: *Provided,* That said turnpike road shall be commenced within six months, and entirely completed within three years, from and after the passage of this act, and shall keep the same in proper repair: *Provided also,* That the rates of toll be lettered on a sign board in legible painted letters, and conspicuously stationed at each gate, agreeably to the amounts demanded at each gate.

Sec. 6. *And be it further enacted,* That the said propri-

etors shall be at liberty to station such number of gates as their interests may require, the same not being, in the opinion of said court, at variance with the legal rights of the public or any individuals.

May erect any number of gates.

Sec. 7. *And be it further enacted,* That said turnpike road shall be forty feet in width, between the gutters inside of the side walks, for the distance of at least one mile on each side of the town of Huntsville; and thence it may be graduated to a width not less than twenty feet, which said space or width shall be substantially paved with stone, being at least eight inches higher in the centre than at the edges of the gutter, and graduated on each side, and shall be suitably levelled to prevent inconvenient obstructions: said road shall be provided with suitable bridges, convenient walks for the use of foot passengers, and such other necessary appendages as said court shall direct.

Width, &c.

Materials of which to be constructed.

Sec. 8. *And be it further enacted,* That whenever a member of the court, hereby empowered to decide upon the questions specified in this act, shall be interested in said turnpike road, then and in such cases, it shall be the duty of the said county judge to appoint such other person or persons, not interested in the same, as may be necessary to supply the places of such interested members, (who are hereby declared ineligible to decide,) who shall be united with said court, for the time being, for the purpose of making up such opinions and decisions.

Member of court being interested, how judge to act.

Sec. 9. *And be it further enacted,* That nothing contained in this act, shall be so construed, as to authorize said proprietors to make a turnpike road, within the corporate limits of the town of Huntsville.

Road not to be turnpike in the limits of Huntsville

Sec. 10. *And be it further enacted,* That should said proprietors fail fully to complete the whole distance of said turnpike road, within the said term of four years, then and in that case, all the provisions of this act shall be considered null and void.

Sec. 11. *And be it further enacted,* That it shall be the duty of said association of proprietors to keep a true account of the amount of money expended, (exclusive of income from tolls,) in the completion of said turnpike road; and should the income from said turnpike road exceed twenty-five per centum per annum, on the amount so employed in the completion thereof, after deducting the amount expended in each year, for repairs, then, and in that case, the surplus over and above said per centum, shall be expended in such additional improvements on said road, and such other roads within one mile of, and leading to said turnpike road, in such proportions as the said county court shall direct.

Account of expenditures to be kept.

Sec. 12. *And be it further enacted,* That should the inconvenient residence of the county commissioners, or other cause, render it desirable to the proprietors of said turnpike

Court may appoint a board of comm'rs.

road to have a board of commissioners appointed, to perform the duties required of said county court by the provisions of this act, in relation to said road, then and in that case, it shall be the duty of said proprietors or a majority of them, to signify the same to the county judge in writing; and it shall be the duty of said judge and county commissioners at their next meeting, to nominate and appoint a board of five commissioners, for that purpose; allowing the clerk of said board a suitable compensation for his services, whose duties shall be pointed out by said board of commissioners, by whom he shall be appointed; it shall be the duty of said clerk to sign such notices as are required by the third section of this act, by order of said board.

Referees
may be ap-
pointed to
assess dam-
ages.

Sec. 13. *And be it further enacted,* That in straightening or widening said road, if the removal of one or more buildings should be necessary, it may be lawful to remove the same; provided, the proprietor thereof, shall consent to submit the question of damages arising from such removal, to referees to be appointed, one by said proprietor, another by the proprietors of said road, and a third by the two persons thus chosen, whose award shall be binding on all persons concerned; and the referees thus appointed shall take into consideration the advantages and disadvantages of said turnpike road, and such removals to the proprietors of such buildings, and make their award accordingly; and should the proprietors of such buildings refuse to submit to such reference, then and in that case, it shall be the duty of the county court, or board of commissioners, (as the case may be,) to decide upon the merits of the case, whose decision shall be in like manner binding and carried into full and immediate effect.

Sec. 14. *And be it further enacted,* That should it be necessary to take a strip of land, belonging to an individual or individuals, for the purpose of widening or straightening said turnpike road, it shall be lawful for the proprietor of said road to remove fences, at their expense: *Provided,* they be accountable for all damages done to the growing or planted crops, and provided also, that any strip of land thus taken, shall not exceed thirty feet in width at any one point; and should it exceed that width, the question of damages for the excess, as also that in relation to growing and planted crops, shall be decided in manner, provided for the removal of buildings in the 13th section of this act.

Sec. 15. *And be it further enacted,* That should it be necessary to procure gravel, rocks or other materials in making and repairing said turnpike road, from the land belonging to an individual or individuals, or to any person whatever, it shall be lawful for the proprietors of said road, to take and use the same, holding themselves in readiness to comply with the provisions of the 13th section of this act, in relation to damages.

Sec. 16. *And be it further enacted,* That the proprietors shall not obstruct said road, so as to prevent travellers from passing said road, with all the convenience that they could otherwise do, while engaged in making said road. Road not to be obstructed.

Sec. 17. *Be it further enacted,* That for the protection of the citizens of Madison county, it shall not be lawful for said Rodah Horton and his associates, to charge or receive from any citizen or citizens of said county, for travelling or otherwise using said turnpike road, higher toll than the rates allowed in the 4th section of this act, in proportion to the distance said citizen or citizens may travel the same, viz: for the whole distance, the sums therein stipulated; and at the like ratio for such distance as he, she or they, may use said turnpike road. Toll to be exacted only in proportion to distance travelled.

Sec. 18. *Be it further enacted,* That all persons who may own land bordering on said turnpike road, or owning land through which the same may pass, shall have the free use of such parts of said turnpike road free of toll, for all purposes, from one point of his, her or their land, to the other, on said road: *Provided,* nothing herein contained shall be construed to exempt such persons from paying toll for the use of said road when used beyond the bounds of his, her or their own land. Persons' land thro' which road leads, that part to be used free of toll.

Sec. 19. *Be it further enacted,* That if at any time during the recess of the county court, it shall appear to the satisfaction of the judge of the county court, that said turnpike road is out of order, and has remained so for the space of ten days, it shall be the duty of the judge of the county court, to appoint three or more disinterested commissioners, to examine the said road, and on report of said commissioners, the county court judge shall have power to order the gates to be thrown open, under the same rules and regulations as contained in the foregoing sections of this act: *Provided,* that should said gates be thrown open at any time after the first day of February, or having been thrown open previously, and not closed agreeably to the provisions of this act for receiving toll, on or before the first day of February; then, and in that case, it shall not be lawful for said Rodah Horton and his associates, to demand or receive any toll from any citizen or citizens of Madison county for using said road, the gates of which have been thrown open, until after the first day of November following, under the same penalties and forfeitures as are prescribed in the foregoing sections of this act. Judge may appoint commissioners to examine road.

Sec. 20. *Be it further enacted,* That James B. Graham be, and he is hereby, authorized to mark out and open at his own expense a public road leading from the town of Triana, on the Tennessee river, down the same, and as near the river as the ground will admit, to a point opposite the town of Monroe, on said river; and the court of commissioners of roads and revenue for the county of Madison shall Road from Triana to Monroe.

at their next session after the said road shall be completed and report thereof made to said court, appoint a jury as in case of juries appointed to review and mark out public roads, whose duty it shall be under the superintendence of the sheriff of said county, to view the road so opened, and assess the damage which any individual may sustain by opening said road through his land; which damage shall be paid out of the county treasury of Madison county.

(Approved, Dec. 31, 1823.)

AN ACT

Amendatory to the Laws now in force respecting Roads, &c.

Com'rs. of
R. & R. not
be appor-
tioners of
hands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter commissioners of revenue and roads of this state, shall not be apportioners of hands to work on roads, nor shall they be appointed overseers of public roads—nor shall overseers be appointed to apportion hands to work on the public roads of this state.

Judge of
county
court may
appoint o-
verseers in
certain ca-
ses.

Sec. 2. *And be it further enacted,* That hereafter in case of the death, removal or absence for the space of two months at one time, of any overseer apportioner of any public road appointed in conformity with the present road law, that then and in that case, the judge of the county court shall have power to fill such vacancy until the meeting of the commissioners of roads and revenue, who shall be authorized to make such appointment as is provided by the laws now in force.

(Approved, Dec. 31, 1823.)

AN ACT

To establish a certain Road therein named, and for other purposes.

Com'rs. for
road from
Coosa Val-
ley to Tus-
kaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Henry B. Robinson, Benjamin Wilson, Isaac Johnson, Robert Woods and Thomas Williams, be, and they are hereby appointed commissioners, to view and lay out a way for a road to commence at some convenient point in Coosa Valley on the road leading from the state of Georgia, by the way of Kiamulga through said Valley, and from thence the nearest and best route west, to the town of Tuskaloosa, in this state.

To take
oath.

Sec. 2. *And be it further enacted,* That before the commissioners enter on the duties herein assigned them, they shall take and subscribe the following oath, to wit: I, do solemnly swear or affirm, that I will truly and faithfully to the best of my judgment and knowledge, view, mark out and report, the best and most direct way for a road, to lead from to in conformity to the act under which I am commissioned so help me God—Which certificate of oath shall be transmitted by the judge or justice of the peace, administering the same, to the clerk of the superior court for safe keeping; and it shall be the duty of

Oath to be
filed with
clerk.

said commissioners, after completing the said view, to make out a report of the same together with such observations respecting the hills, water courses and other obstructions on the route they shall have marked off; which report they shall transmit to the Governor for his approval to act on as herein after requested.

To make
report to
governor.

Sec. 3. *And be it further enacted,* That if any vacancy shall take place by decease, or refusal to act by those here-in appointed, such vacancy shall be filled by the Governor.

Governor
to fill va-
cancies.

Sec. 4. *And be it further enacted,* That the commissioners shall receive as compensation for their services, on making such view and report, two dollars per day.

Com'rs.
compensa-
tion.

Sec. 5. *And be it further enacted,* That as soon as the report is made by the commissioners, and received and approved by the Governor, he shall transmit an account of the same to the judges of the county courts of the counties through which said road shall pass—and it shall be the duties of said judges, as soon after as possible to lay off said road into precincts and appoint apportioners, to apportion the hands, to open and clear out said road; and all persons now liable by law, to work on roads shall, under the existing laws, work on said road.

Governor
to transmit
report to
judges of
county
courts.

Sec. 6. *And be it further enacted,* That Samuel Patton, Thomas Webb, George Sims, John Thomas, James Meek, Michael Pirtle and Hopkins Lee, or a majority of them, be, and they are hereby, appointed commissioners to view and mark out a way for a road between the falls of Cahawba and Greensborough; but they shall not be entitled to any compensation for their services; and their report being approved in the manner provided by the act passed the seventeenth day of December, in the year one thousand eight hundred and twenty-one, entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes, the same proceedings shall be had for opening the said road, and the same regulations in all respects in apportioning hands and compelling them to work on said road, as by the said act is provided.

Com'rs, for
road from
falls Ca-
hawba to
Greensbo-
rough.

Sec. 7. *And be it further enacted,* That so soon as the road authorized by an act of the present session of the Legislature from John Lockhart's in Marengo county, to the Choctaw Spring shall be marked out and reported, and received by the Governor as is therein pointed out, the present route as marked out by the commissioners under an act of the seventeenth of December, eighteen hundred and twenty-one, shall be, and the same is hereby, discontinued so far as it conflicts with the report of the commissioners appointed by an act of the present session.

Road from
Lockhart's
to Choc-
taw springs

Sec. 8. *Be it further enacted,* That John Fowler, master of the steam-ferry-boat Emeline plying between the city of Mobile and the town of Blakeley and, the men employed on board said steam-boat, be, and they are hereby, exempt-

J. Fowler
and others
exempt
from work-
ing on
roads.

ed from liability to work upon any road or roads within this state, so long as they may be attached to said steam-ferry-boat.
(Approved, Dec. 30, 1823.)

AN ACT

To authorize William Black and his associates, to erect a toll bridge over Gravelly Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for William Black and his associates, and they are hereby, authorized to build a bridge over Gravelly Creek in Wilcox county, where the state road from Canton to Claiborne crosses the same: *Provided,* They build the same within twelve months from the passage of this act.

Sec. 2. *And be it further enacted,* That it shall be lawful for the judge and commissioners of roads and revenue in and for said county of Wilcox, and they are hereby required, when said bridge shall be completed, to fix and establish the rates of toll of said bridge to be received by said William Black or his associates, and to suspend the toll when said bridge shall be out of repair.

Sec. 3. *And be it further enacted,* That this act shall be in force for the term of seven years from its passage.

(Approved, Dec. 30, 1823.)

AN ACT

To appoint Commissioners to improve the navigation of the Tennessee River.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Nicholas Davis, Thomas Fearn, James Jackson, Benjamin B. Jones and Clement C. Clay, shall be commissioners, who or a majority of whom, shall have power and authority to employ a competent person and such assistants as they may deem necessary, to make an examination and accurate survey of the Muscle Shoals, and Colbert's Shoals, in the Tennessee River, for the purpose of ascertaining the practicability and best mode of improving the navigation through said Shoals, whether for batteaus or large boats, and whether by sluicing, canaling or otherwise, together with estimates of the expense thereof.

Sec. 2. *And be it further enacted,* That the said commissioners or a majority of them, shall be, and are hereby authorized to raise by loan or donation, a sum not exceeding seven hundred and fifty dollars for the purposes aforesaid: for which, if obtained on loan, they shall issue their certificate or certificates, redeemable twelve months after date, with interest thereon, at the treasury of the state, out of the three per cent. fund, if the said fund shall at the expiration of the said twelve months, be in the state treasury.

Sec. 3. *And be it further enacted,* That said commissioners shall prepare and submit to the next General Assembly a report of the manner in which this law has been executed.

Com's. appointed.

May employ person to examine Shoals.

May raise money by loan.

To report to legislature.

Sec. 4. *Be it further enacted*, That if the three per cent. fund shall at the time herein before appointed for the redemption of the certificate or certificates issued by the said commissioners, be employed as a part of the capital of the bank of the state of Alabama, then and in that case, the said certificate or certificates, shall be redeemed by an issue of the paper of the said bank, by the president and directors thereof to the said commissioners, equal in amount to that of the principal and interest of the said certificate or certificates.

Sec. 5. *And be it further enacted*, That the aforesaid commissioners shall within nine months after the passage of this act, execute the authority confided to them by the first section of this act, and report to the Governor of this state, the amount of the sum of money, which they, in virtue of this act, have raised by loan, who shall, if the bank of the state of Alabama be then in operation, or as soon thereafter as it may commence its operation, notify the president and directors thereof of the amount of the sum of money so raised by loan, and it shall be the duty of the said president and directors to reserve from discount, a sum equal to that of which the said loan may consist.

Com'rs. to
execute &
report to
governor.

(Approved, Dec. 29, 1823.)

AN ACT

To regulate the licensing of Physicians to practise, and for other purposes therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of April next, no person or persons shall be allowed to practise physic or surgery, or any other branches thereof, or in any case to prescribe for the cure of diseases for fee or reward, unless he or they shall have first been licensed to do so, in the manner hereinafter prescribed.

Physicians
to be licen-
sed.

Sec. 2. *And be it further enacted*, That all bonds, notes, promises and assumpsits made to any person or persons not licensed in manner hereinafter mentioned, the consideration of which shall be for services rendered as a physician or surgeon, in prescribing for the cure of diseases, shall be, and they are hereby, declared utterly void and of no effect.

Bonds, &c.
taken by
Physicians
not licens-
ed, void.

Sec. 3. *And be it further enacted*, That in order to the proper regulation of practice of physic and surgery, there shall be established five boards of physicians; one at Huntsville; one at the city of Mobile; one at Tuscaloosa; one at Cahawba; and one at Claiborne, to consist of three members each, to be elected by joint vote of both houses of the General Assembly; which boards shall meet annually for the purpose of examining all applicants for a license to practise medicine: and if on such examination they are found competent, shall grant such applicants a license to practise physic and surgery: *Provided*, that two members of either of the said boards shall constitute a quorum to make such ex-

[Boards of
Physicians
establish'd.

To meet
annually.

Proviso.

Proviso. **Who ineligible as a member of the Board.** amination, and to grant such license: *And provided also,* that any one of the members of either of the medical boards shall be authorized during the recess of the annual meetings, to examine any applicants; and if on examination deemed competent to practise medicine and surgery, shall grant them permission to practise until the next annual meeting of the board of which the physician granting such permission is a member, to whom said applicant shall apply for a license to practise medicine and surgery; and if refused, shall not be again permitted to practise except by a license from one of the boards: *Provided however,* that no member of the legislature shall be elected a member of the medical board, during the term for which he was elected a member of the legislature.

When to meet.

Fees.

May elect officers.

Vacancies how filled.

Members failing to attend, seat vacated.

Proviso.

Act not to affect Physicians heretofore practising
Proviso.

Sec. 4. *And be it further enacted,* That the first meeting of the said boards respectively, shall be held on the first Monday in May next, and on the first Monday in December thereafter annually; and that the said boards shall be entitled to receive and demand of every applicant the sum of five dollars for each and every examination; and the sum of five dollars for every license.

Sec. 5. *And be it further enacted,* That the said medical boards, be, and they are hereby authorized and empowered to elect all such officers and frame all such by-laws as may be necessary to carry this act into effect; and in case of the death, removal, or refusal to serve of any member of the said boards, the said boards or a quorum of them, be, and they are hereby empowered to fill up every such vacancy.

Sec. 6. *And be it further enacted,* That if any of the members by this act appointed to constitute the board of physicians to meet at the several places herein before appointed, shall fail to attend the meetings of the said boards of physicians for two successive annual meetings of the same, shall be no longer considered a member thereof; and it shall be the duty of the presiding member at each meeting of the said boards to note the defaulters at such meetings: *Provided however,* the provisions of this act shall not be so construed as to prevent either one of the medical boards herein before appointed, from granting a license to any person or persons to practise medicine or surgery alone.

Sec. 7. *And be it further enacted,* That this act shall not be so construed as to include or operate upon any person who may have been engaged in the practice of medicine or surgery in this state previous to the passage of this act: *Provided,* such persons shall apply to one of said boards and have their name enrolled within nine months after the passage of this act: *And provided also,* that a removal from any county in this state to any other, shall not exempt them from the provisions of this law, if said removal shall exceed thirty miles.

Sec. 8. *And be it further enacted*, That any person who shall violate any of the provisions of this act, shall forfeit and pay the sum of five hundred dollars, to be recovered in an action of debt, in any court of record in this state, by any person who may sue for the same; one half thereof to be paid to the said informer, and the other half to be paid into the treasury of the county in which such suit may be tried: *Provided*, that nothing contained in the foregoing act shall be so construed, as to prevent persons from practising as doctors of medicine, who may have received a diploma from any regular constituted medical institution within the United States: *And provided further*, that such person shall have been engaged in the practise of medicine within two years previous: *Provided further*, that the said board shall, before they enter on the duties of their appointment, take and subscribe an oath before some justice of the peace to discharge the duties imposed on them by this act, without favor, partiality or prejudice.

Forfeitures
incurred for
violation of
this act.

Proviso.

Board to
take oath.

Sec. 9. *And be it further enacted*, That the money arising from the examinations as provided by the foregoing sections of this act, shall be applied to the purchase of a medical library for the use of the medical boards, respectively, and their successors in office, under such rules and regulations as they may prescribe.

Proceeds
from exa-
minations
how appli-
ed.

(Approved, Dec. 22, 1823.)

AN ACT

Explanatory of the several acts now in force in this State to suppress Duelling.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That any person or persons who may have taken and subscribed the oath mentioned in the "act to suppress duelling," passed the seventeenth day of December, in the year eighteen hundred and nineteen, may, and it shall be lawful for him or them, to take and subscribe the oath, in the manner and form prescribed in an act, supplementary to an act to suppress duelling, passed on the sixth day of December, in the year eighteen hundred and twenty-one; which oath, prescribed in the act of eighteen hundred and twenty-one, when taken and subscribed as is therein directed, shall supersede and make null and void to all intents and purposes in law, the oath taken in manner and form as is prescribed by the act of eighteen hundred and nineteen.

(Approved, Dec. 24, 1823.)

AN ACT

To repeal in part, and amend an act entitled, "An Act supplementary to an act to establish a State University, passed Dec. 18, 1821.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the ninth section of the above recited act, be, and the same is hereby repealed.

Repeal.

State treasurer to take charge of University funds. In what sum to give bond.

Proviso.

Sec. 2. *And be it further enacted*, That it shall be the duty of the treasurer of this state, to receive and safely keep, all monies that may be paid over to him by order of the board of trustees, subject to their order: *Provided*, That the bond now required of the treasurer of this state for the faithful discharge of the duties of his office, shall be given in the penalty of one hundred thousand dollars; which shall operate as security for the safe keeping, as well of any funds belonging to the University of this State, that may be at any time deposited in the Treasury of this State, as of monies paid into or deposited in the said treasury on other accounts: *Provided also*, That the board of trustees be requested to inform the general assembly during the next session, of the amount of money paid over to the treasurer, the time when so paid over, and how long it remained in his care—so as to enable them to allow such additional compensation to said treasurer as they may deem just and proper.

[*Approved*, Dec. 31st, 1823.]

AN ACT

To regulate Escheats in this State, and to appoint Escheators.

Escheators appointed.

To give bond.

To be recorded in secretary's office.

To take oath.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That each person who is now, or may hereafter be the judge of any county court within this state, is hereby appointed an escheator for the county, the county court of which he is or may be, the judge, during his continuance in such judicial office; who shall execute his office of escheator in proper person, and not by deputy; and give bond with good and sufficient security, to be approved of, and for such sum as may be directed by a judge of the circuit court, not less than ten thousand dollars, payable to the Governor for the time being, and his successors in office, for the use of the state; which shall be duly recorded in the secretary's office of this state within three months from and after the first day of January, one thousand eight hundred and twenty-four, or in cases where any person may hereafter be appointed to the office of judge of any county court, within three months after such person commences the discharge of the duties thereof, and conditioned for the faithful performance of the duties of the office of escheator: and shall moreover take and subscribe the following oath or affirmation, to be administered by any justice of the peace, to wit: I do solemnly swear (or affirm) that I will well and faithfully execute the office of escheator, for the county of _____ and diligent inquest make for all property which hath escheated or shall escheat to the state within my jurisdiction, according to the true intent and meaning of the act in that case made and provided, so long as I continue to hold the said office. Which oath shall be filed in the office of the secretary of state within the time herein before prescribed, for recording in the said office the bond aforesaid.

Sec. 2. *Be it further enacted,* That if any of the present judges of the county courts refuse to accept the office of escheator, which refusal shall be ascertained by the absence of the bond aforesaid, from the office of the secretary of state, at the expiration of the time herein before limited for recording the same, it shall be the duty of the Governor to appoint and commission an escheator for any county which may be destitute of one by the refusal of any such judge as aforesaid, to accept the said office of escheator, who shall hold the office of escheator and exercise the duties thereof, until a vacancy occurs in the office of any such judge so refusing, and shall be filled according to law; and if, at any time the office of escheator so filled by the appointment of the Governor as aforesaid, become vacant, the Governor shall as often as such vacancy occurs, fill the same; and any escheator so appointed by the Governor to fill any vacancy in the said office, shall hold his office subject to be determined by the event herein before appointed for the determination of the office of an escheator appointed as aforesaid, in consequence of the refusal of any of the present county court judges to accept the office of escheator.

Escheator refusing to accept, governor to fill the vacancy.

Sec. 3. *Be it further enacted,* That each escheator appointed by the Governor, shall before his commission issues, give a bond with good security, and take and subscribe the oath as directed by the first section of this act.

Sec. 4. *Be it further enacted,* That where it shall appear that any person has died without will, and without heirs, leaving property behind, that then and in that case, it shall be the duty of the escheator of the county where the property may be found to issue his notification of such supposed escheated property, to the judge of the circuit court at least two months previous to the meeting of said court in such county; and the judge presiding at such court shall cause the jury (being first sworn) to proceed and make a true inquest of all such supposed escheated property, both real and personal which by the escheator shall be subjected to their investigation, and a true verdict make thereon; whereupon the judge of the court aforesaid, shall certify the same under his hand and seal to the escheator; who is hereby ordered and directed, to record the same in a book to be by him kept for that purpose: and shall return the original, within two months after the date thereof, into the office of the clerk of the said circuit court, to be there filed and kept as a record of the said court.

Escheator to notify judge of escheated property.

What proceedings to be had thereon.

Sec. 5. *Be it further enacted,* That on returning the inquest into the office of the clerk of the court aforesaid, the clerk shall thereupon cause to be advertised, in one of the public Gazettes of this state, the first week in every month for six months, the particular description of the property, real and personal; the name of the person last seized and possessed; and the supposed time of his or her death, together

Property to be advertised.

with the part of the world in which he or she was known or supposed to be born, and requiring his or her heirs, or others, who may claim under him or her, to appear and make claim; and if no person shall appear and make right and title to the same within twelve months after the expiration of the time prescribed for advertising the same, the clerk of the said court shall issue process to be signed by the judge of the said circuit court, to the escheator, pronouncing the said property, both real and personal to be escheated and vested in the state, and directing him forthwith to sell and convey the same according to law.

Sec. 6. Be it further enacted, That as soon as escheated property either real or personal, shall be vested as aforesaid in this state, the escheator shall advertise the sales thereof in one of the public Gazettes of this state, and also in two or more public places in the county in which the property may be found, giving six weeks public notice of the time and place of sale; and shall at the time and place advertised sell the said property on a credit of twelve months; and shall moreover take good and sufficient security for the purchase money, and a mortgage of the property before the title to the said property shall be altered or changed; and it shall be the duty of every such escheator to pay into the treasury of this state, the proceeds of every such sale, after deducting for his own use the commission hereinafter allowed to him as a compensation for his services on all moneys received by, and paid to him, on account of such sales, and the necessary expenses thereunto attached.

To be sold. Proceeds to be paid in to public treasury.

Sec. 7. Be it further enacted, That any person or persons without delay shall be heard on issue to be made up in the circuit court on a petition setting forth his, her or their right; and the said property either or both real and personal, shall be committed to him, her or them, if he, she or they, shall show good evidence of his, her or their title to hold until the right shall be found for the state or the claimant, such claimant finding sufficient security to prosecute his, her or their suit with effect and without delay; and to render to the state the yearly value of such property, if the right be found for the state: and where no claimant shall appear to make title as aforesaid, the escheator shall rent out the escheated property if the same can be done with advantage to the state, until the process of escheat shall be concluded and the property sold: *Provided,* That if any suit for property supposed to be escheated shall be prosecuted by any escheator, and the jury before whom such trial shall be had shall think there is no probable cause, the court before whom the same shall be tried, shall award to the party aggrieved, his, her or their reasonable and legal costs, to be paid out of any funds arising under or by virtue of this act.

Escheated property how possessed by claimants. Property to be rented out if not claimed. Proviso.

Sec. 8. Be it further enacted, That where money or other personal estate shall be found in the hands of an executor

or administrator, being the property of any person heretofore deceased, or hereafter dying and leaving no person entitled to claim according to the statute of distribution, and without making distribution of the same, the escheator of the county where such chattels shall be found, shall and may in behalf of the state, sue for and recover either at law or in equity any such money or other personal estate; and pay the money which he may receive, or which may arise from the sale of any other personal estate which may come into his possession, by virtue of any such suit, into the treasury of this state; and the escheator shall advertise the sale of any such personal property, which may come into his possession, for two weeks in one of the public Gazettes of this state; and also in two of the most public places in the county in which the sale is to be made; and shall sell the same for cash at public auction, at the time and place so advertised. And the treasurer of this state for the time being shall advertise the payment so made by any escheator into the treasury, in one of the public Gazettes of this state, once in every month for six months, in like manner as escheated property is herein before directed to be advertised, and if no person shall appear and make good title to such personal estate within twelve months after the expiration of the time prescribed for advertising the same, other than as executor, administrator or their legal representatives, then the money which may have been recovered by the escheator, and the money arising from the sale of any such personal estate, shall become vested in and applied to the use of this state.

Escheators
may sue for
& recover
escheated
property.

Treasurer
to advertise
payments
made for
escheated
property.

Sec. 9. *Be it further enacted*, That any possession, grant, conveyance, or any other cause or title, shall not preclude or hinder the state from making inquest or sale after the manner herein before prescribed, of all such property both real and personal, as has heretofore escheated to the state, or may hereafter escheat by the death of the person last seized or possessed without will and without heirs.

Grants, &c.
not to pre-
clude
claim of
the state.

Sec. 10. *Be it further enacted*, That nothing herein contained shall prejudice the rights of creditors, or other individuals having claims or legal titles or who shall be under the disabilities of infancy, coverture, duress, lunacy, or being beyond the limits of the United States, until three years after such disabilities shall be removed.

Rights of
creditors &
others not
prejudiced.

Sec. 11. *Be it further enacted*, That the said escheators shall each of them as a compensation for his trouble, costs and charges, in discharge of duty, be entitled to receive the commission of eight per cent. out of all moneys which in virtue of this act shall be paid by the said several escheators respectively, into the treasury; and where any person or persons shall appear and make title to lands or personal estate after office found by the jury, the circuit court shall have power to make an allowance of such reasonable costs and

Escheators
their com-
pensation.

charges, as the escheator hath sustained in promoting the claim of the state, except in cases where he had already received his compensations.

Escheators failing to do duty, may be proceeded against **Not to be concerned in the purchase of escheated property.** **Penalty.** Sec. 12. *Be it further enacted,* That if any escheator shall fail to do the duty required of him by this act, or any loss or damage shall accrue to this state by his misconduct or fraudulent practices, such escheator shall be responsible for all such loss or damage; and the circuit court of the county wherein such escheator resides, shall have power and authority to order a prosecution in the name of the state and the jury shall try the fact, and judgment shall be rendered against such escheator for any damages which the jury may assess, together with the costs; and further, that no escheator shall directly or indirectly, either by himself or any person whatsoever, purchase or be concerned with any person or persons, in purchasing any escheated property without being subject and liable to the payment of five thousand dollars: to be sued for and recovered in any court of record, one half for the benefit of the informer, who shall sue for and recover the same, and the other half for the use of the state.

(Approved, Dec. 20, 1823.)

AN ACT

In relation to the sixteenth sections.

Inhabitants may determine under which of two laws their 16th sec. shall be rented, Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall and may be lawful for the inhabitants of the several townships in this state, as they may severally judge most convenient and beneficial, taking into view the peculiar situation of their respective townships, to regulate the leasing of the sixteenth sections, and the application of their proceeds, according to the provisions of the laws in force at the commencement of the last session of the General Assembly, or at their option according to the act entitled "an act to provide for the leasing of the sixteenth sections and for the application of the funds accruing therefrom to the purposes of education," passed the first day of January eighteen hundred and twenty-three.

Judge c'ty court to be informed thereof. Sec. 2. *Be it further enacted,* That the determination of the inhabitants of the several townships made in pursuance of this act, shall be made known by the trustees for each township to the judge of the county court of the county in which the sixteenth section to which any such determination may relate, within two months after the first day of January, eighteen hundred and twenty-four.

Sec. 3. *And be it further enacted, by the authority aforesaid,* That all acts or parts of acts contrary to this act, be, and the same are hereby repealed.

[Approved, Dec. 30, 1823.]

AN ACT

To alter and amend the existing laws concerning strays.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter when any person or persons shall be desirous of posting any estray that may be found on his or her premises, that he, she or they, shall apply to some justice of the peace of the county where such stray may be found, for the purpose of having such stray appraised; and on ascertaining the appraised value thereof in the manner now pointed out by law, the said justice shall require from the person or persons posting such stray or strays, to enter into bond with sufficient security to be approved of by said justice, to the clerk of the county court, and his successors in office, in the sum of the full amount of the appraised value of such stray or strays, conditioned, that he, she or they, will well and truly pay to the said clerk or his successors in office, half the amount of the appraised value of such stray or strays: *Provided*, the same is not proven away by the owner or owners thereof, within twelve months from the day of such appraisalment: *And provided also*, That the said stray or strays do not die or escape without the connivance or neglect of the taker up.

Estrays to be appraised and taker up to enter into bond.

Proviso.

Sec. 2. *And be it further enacted*, That if any person or persons shall presume to use any estray or strays without first having given bond as aforesaid, he, she or they, shall be liable to all the penalties prescribed in the fifth section of an act of the general assembly of this state, passed the twenty-first December, eighteen hundred and twenty, to which this is an amendment, entitled "an act to reduce into one the several acts concerning strays."

Persons using strays without giving bond, liable to penalties.

Sec. 3. *And be it further enacted*, That it shall be the duty of the justice before whom such stray or strays may be appraised, to take such bond as is mentioned in the first section of this act; which bond he shall return together with the post note in the manner now pointed out by law for making return of the post note of strays; and said justice shall receive for his services in taking such bond twenty-five cents.

Justice to take bond.

[Approved, Dec. 17, 1823.]

AN ACT

To provide for the choosing electors of President and Vice-President of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be held in each and every county in this state, an election for electors of President and Vice-President of the United States, on the second Monday of November next; which election shall be held in the same manner, at the same places, by the same officers, and under

Elections when, where, and by whom holden.

the same rules and regulations as is held the elections for members of the General Assembly.

Who qualified to vote.

Sec. 2. *And be it further enacted*, That the persons qualified to vote for members of the General Assembly shall be entitled to vote at such election so to be held as aforesaid: *Provided however*, they shall be entitled to vote in any county in this state.

Tickets not to contain more than five names.

Sec. 3. *And be it further enacted*, That each ticket shall not contain more than five names, and should there be any such, the first five names on any such ticket, shall be considered the only persons voted for.

Sh'ff to ascertain No. of votes given to each candidate.

Sec. 4. *And be it further enacted*, That the sheriff of each and every county in this state, or other officer duly qualified, shall with the managers of said election, within two days after holding the same, ascertain by faithful addition and comparison of the number of votes given for every person who shall be voted for as an elector; and shall reduce the same to writing in words, and not in figures: and the said sheriff or other returning officer, shall under his hand

Form of certificate.

and seal certify the same in substance as follows, to wit: I, A. B. sheriff, or returning officer, (as the case may be,) do hereby certify that an election was held on the second Monday of November, eighteen hundred and twenty-four, for electors of President and Vice-President of the United States, agreeable to law, and the following contains a true statement of the votes of the county of _____ for the following persons as electors for the state of Alabama, to wit: For A. B. _____ votes; for C. D. _____ votes; (and so on to the number voted for.) Given under my hand and seal the _____ day of _____ in the year of our Lord one thousand eight hundred and twenty-four.

To make return, and to whom.

Penalty for failure.

Sec. 5. *And be it further enacted*, That the said sheriff or other officer, shall within twelve days thereafter deliver or cause to be delivered, his return and certificate so made as aforesaid, to the Governor or Secretary of State at the seat of government, under the penalty of one thousand dollars, to be recovered by action of debt in any court having jurisdiction in the name of the Governor; which action shall be brought by the attorney general or solicitor in whose circuit such returning officer so failing shall reside.

Electors, when to meet.

Sec. 6. *And be it further enacted*, That the electors so chosen shall meet at Cahawba on the first Wednesday in December next, and give the votes in such manner as is prescribed by the laws of the United States.

Governor to examine votes, returns, &c

Sec. 7. *And be it further enacted*, That the Governor shall in the presence of the Secretary of State, Comptroller and Treasurer, or either of them in the absence of the others, examine and count all the votes given and returned for electors of President and Vice-President of the United States, and forthwith, proceed to give notice to said electors who shall be elected, by proclamation or otherwise.

Sec. 8. *And be it further enacted*, That each sheriff or returning officer shall be allowed for his services the same that such officers are allowed for making returns for members of congress. Sh'ffs compensation.

(Approved, Dec. 26, 1823.)

AN ACT

Amendatory to an act, entitled "An Act to provide for the printing of the Laws and Journals, and for other purposes," passed December 25th, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the public printer elected in pursuance of the above recited act, in addition to the duties therein imposed, to do all the printing that may be ordered for the use of either branch of the general assembly, when in session; also whatever printing may be necessary for the executive office, the office of secretary of state, the comptrollers' office and the treasurers' office, for the current year. Duties of public printer.

Sec. 2. *Be it further enacted*, That the public printer shall be entitled to receive the sum of two thousand dollars, in lieu of the compensation now allowed by law. Compensation.

Sec. 3. *Be it further enacted*, That all acts, and parts of acts, contravening the provisions of this act, shall be, and the same are hereby repealed.

[Approved December 17th, 1823.]

AN ACT

To amend the several acts for the settlement and relief of the poor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall hereafter be the duty of all overseers of the poor, in each and every county in this state, to make just and true returns of all poor persons under their charge and care, to their county courts respectively, on or before the court to be held in the month of August in each and every year; which list shall contain the situation of the paupers, the amount of money necessary to support the same, together with such other circumstances as they may think proper, so as to enable such court to know correctly what sum it may be necessary to appropriate in compliance with "an act to set apart a separate fund, for the support of the poor in each county," passed January 1st, 1823. Overseer to return list of paupers to c'ty court.

Sec. 2. *Be it further enacted*, That if any overseer of the poor shall fail or refuse to make the report required by the foregoing section, without being able to render a satisfactory excuse for such failure, to be judged of by such court, either by personal appearance or by affidavit by the succeeding court, then and in that case, such overseer shall be liable to a fine of ten dollars by sentence of such court. Penalty for not making return.

(Approved, Dec. 29, 1823.)

AN ACT

To authorise the President and Trustees of the University of Alabama, to dispose of the lands belonging to said institution by admitting entries.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*,

Lands may be entered after offered at public sale. **Proviso.** That after the lands belonging to the University of Alabama shall be again offered at public sale, the president and board of trustees of the University of Alabama, under such rules and regulations as they may prescribe, permit any person or persons to enter said lands: *Provided*, no entries shall be made for a less price than seventeen dollars per acre, payable in the same manner as prescribed by an act passed on the eighteenth December, eighteen hundred and twenty-one, entitled "An act supplementary to an act to establish a State University;" and the property of the principal and security shall be bound for the payment from the time of signing the bond.

Trustees may appoint agents. *Sec. 2. And be it further enacted*, That the board of trustees of the University of Alabama, shall have power to provide for the appointment of any number of agents, that they may deem necessary for conducting the public sales, and the entries at private sale.

(Approved, Dec. 30, 1823.)

AN ACT

To provide for taking the Census.

Heads of families to give estimates. *Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of all the inhabitants of this State, being heads of families, and persons not belonging to any particular family, to render a true and faithful estimate to the assessors of taxes in their respective counties; such estimates from heads of white families (to be on oath) and contain an enumeration of the whole number of inhabitants belonging to his or her family, making a correct distinction between the number of white males over twenty-one years of age; white males under twenty-one years of age; white females over twenty-one years of age; white females under twenty-one years of age; the total of free people of colour (Indians not taxed excepted) *and the total of slaves.*

Persons giving in estimates to take oath. *Sec. 2. And be it further enacted*, That it shall be the duty of the assessor of taxes in each and every county within this state, to claim and receive of all heads of families and other persons as described in the preceding section, the estimate which they are therein required to furnish. The oath required of the heads of families as aforesaid, shall be administered by the said assessor in each respective county, and in form as follows, to wit: You do solemnly swear (or affirm as the case may be) that the estimate which you now render, contains a true and faithful enumeration of the number of inhabitants of which your family consists, with the proper distinction of sexes, age, and colour, to the best of your knowledge, so help you God.

Penalty for false return. *Sec. 3. And be it further enacted*, That if any person shall fail to make a return of him or herself and family, or any part thereof being thereunto requested by the said assessor, or shall knowingly make a false or improper return, he or she shall be fined in the sum of fifty dollars, to be recovered before any justice of the peace, or judge of the county court of the county, one half thereof to the use of the informer, and the other half thereof to be paid into the county treasury.

Sec. 4. *And be it further enacted*, That the following form shall be adopted and used by each and every assessor in this state, for the classification of the inhabitants:

Names of heads of families.	White males over twenty-one years.	White males under twenty-one years.	White females over the age of twenty-one.	White females under twenty-one.	Total of white inhabitants.	Total of free people of colour.	Total of slaves.	Total of inhabitants.
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Census
form.

Sec. 5. *And be it further enacted*, That each and every assessor in this state shall, before he enters on the duties of his office, in addition to the oath required of him by law as assessor, take and subscribe before some person authorized to administer the same, an oath in the following form, to wit: I, A. B. do solemnly swear (or affirm as the case may be) that I will take the census of the county of _____ according to the true intent and meaning of this act, to the best of my knowledge, so help me God. Which said oath subscribed and sworn to, shall be transmitted, together with a copy of said enumeration, agreeably to the foregoing form, to the secretary of state; and also another copy of the enumeration in form as aforesaid, to the speaker of the House of Representatives of this state, on or before the first day of the next session of the General Assembly; and each and every assessor failing to comply with the requisitions of this act, shall be fined in the sum of two hundred and fifty dollars, recoverable before any court having competent jurisdiction, one half thereof to the use of the informer, and the other half to be paid into the state treasury.

Assessor's
oath.

Form.

Oath & copy of enumeration, to be taken to be transmitted.

Fine for not complying.

Sec. 6. *And be it further enacted*, That each and every assessor shall be allowed as compensation for taking the census as follows, to wit: when the census shall not exceed one thousand, two dollars per hundred; when it shall exceed one thousand, and not exceeding two thousand, one dollar and seventy-five cents; when it shall exceed two thousand, and not exceeding three thousand, one dollar and fifty cents; when it shall exceed three thousand, and not exceeding five thousand, one dollar and twenty-five cents; when it exceeds five thousand, one dollar.

Compensation.

Sec. 7. *And be it further enacted*, That the comptroller is hereby authorized and required to issue his warrant on the treasury of this state in favor of said assessor for the same, upon the certificate of the secretary of state, that the copies required by this act have been duly received, specifying in said certificate the total number of inhabitants in each county.

What evidence necessary to authorize receipt of compensation.

(Approved, Dec. 31, 1823.)

AN ACT

To establish the town of Carthage, in Tuskaloosa county.

Establish-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town laid out by Mr. Harper, at M'Cown's bluff, in Tuskaloosa county, be, and the same is hereby established and incorporated by the name of the town of Carthage.

Elections
for com's
&c. held.

Sec. 2. *Be it further enacted,* That hereafter, the landholders, house holders, free-holders, and every free white male of full age, who may have resided in the said town of Carthage, six months previous to the election of commissioners, on the second Monday in March next, and on that day in each succeeding year, are hereby authorized to hold an election, at some convenient house within said town of Carthage, to commence at ten o'clock in the morning, and close at three o'clock in the evening, for the purpose of electing by ballot seven commissioners, resident citizens of said town; also a town constable, assessor and treasurer; and the commissioners thus elected, shall on the succeeding day, choose from their own body, a president for the year next ensuing every such election; and the president and commissioners thus elected, shall constitute a body corporate, by the name and style of "the President and Commissioners of the town of Carthage; a majority of whom shall constitute a quorum to do business: *Provided,* That the offices of constable and assessor, may or may not at discretion be conferred on the same person; *And Provided further,* That all persons as aforesaid, who may have made a settlement in said town, may vote at the first election, hereby authorized to be holden.

Pres't cho-
sen.

Proviso.

Powers of
the corpo-
ration.

Sec. 3. *Be it further enacted,* That the president and commissioners, and other officers, elected as aforesaid, shall proceed in the same manner, possess the same powers, and be subject to the same restrictions, as are provided by law for the government of the president and commissioners of the town of Tuskaloosa.

Election
by whom
holden.

Sec. 4. *Be it further enacted,* That John D. Richards, Isaac E. Frierson, Robert Harper and Wiley Buck, or any two of them, are hereby authorized to hold the first election, as pointed out by the second section of this act; and that all future elections, shall be held by the president and any one of the board of commissioners, or in case of the absence of the president, then by any two of the commissioners aforesaid.

(Approved, Dec. 29, 1823.)

AN ACT

To incorporate the town of Greensborough, in the county of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Greensborough, in the county

of Greene, be, and the same is hereby established, and incorporated, including the quarter section, containing the plan of said town. Establish-
ed.

Sec. 2. *And be it further enacted*, That an election shall be held at the house of Captain Yates, in said town, on the first Monday in January next and on the same day in every year thereafter, to commence at ten o'clock in the morning and close at two o'clock in the evening, for the purpose of electing seven councillors, inhabitants of said town, who shall serve for the term of one year; the election shall be held and conducted by a justice of the peace and two house holders of said town; and all subsequent elections shall be conducted by two of the councillors, to be appointed by the board for that purpose; and the said councillors shall on the next day after said election in each and every year, meet and hold an election for an intendant who shall be elected from their own body by a majority of said councillors and the said councillors; shall be, and they are hereby constituted a body corporate by the name and style of the intendant and council of the town of Greensborough; and the said corporation is hereby endowed with the same powers and privileges and shall be subject to the same restrictions and regulations, and in all their proceedings, shall be governed in the same manner as is provided for in "an Act to incorporate the town of Montgomery in the county of Montgomery; passed at Huntsville the third day of December, eighteen hundred and nineteen. Council-
lors to be
elected.
To elect
intendant.
Powers of
the corpo-
ration.

(Approved, Dec. 24, 1823.)

AN ACT

To incorporate the Trustees of the Claiborne Academy.

Whereas sundry citizens of Monroe county, and others have set forth by their petition to this General Assembly, that they labor under great inconvenience from the want of an established and permanent seminary of learning, and have associated together in order to secure the benefits of regular and liberal instruction. Preamble.

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Charles Tait, John Bonner, William W. M'Connico, John Murphy, Arther P. Bagby, James H. Draughon, Wm. B. Patton, Jas. A. Ranalson, James Simpson, John W. Moore, Murdoch Murphy, and Nat. Dodson, trustees of the Claiborne Academy, and their successors in office, appointed or elected, according to the rules and regulations which may be adopted by said trustees, shall be, and they are hereby incorporated, and made a body politic, and corporate in deed and in law, by the name and style of the Trustees of the Claiborne Academy. Trustees
incorpor-
ated.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said corporation, by their name aforesaid, Powers of
the corpo-
ration.

shall have perpetual succession of officers and members according to the rules and regulations which may be established for the government of said corporation, and they may have a common seal with power to alter and make new the same, and to amend and make new the said rules and regulations as often as they shall deem expedient: and the said corporation shall be able and capable in law to purchase, have, hold, possess, enjoy, and retain, in perpetuity for any term of years, any estate, real or personal, of what kind or nature soever; and to sell, alien, or dispose of the same, as they may think proper for the benefit of said academy, and to receive and apply as aforesaid any subscription or donation: and by its name as aforesaid to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state: *Provided*, the said rules and regulations be not repugnant to the constitution and laws of this state, and of the United States, and that the said corporation shall not be entitled to have, hold or retain as aforesaid any estate, real or personal of an annual income exceeding ten thousand dollars.

Proviso.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the trustees of said academy, shall have power to locate the said academy within the corporate limits of the town of Claiborne, to purchase land for the said location, to contract for the necessary buildings, and engage suitable instructors, and in general, to do all acts which are incident to bodies corporate, for the benefit of said academy.

Term of office.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the trustees appointed by this act, shall hold their office for the term of three years from the time of entering upon the duties of the same, and should vacancies occur by death, resignation or otherwise, they shall be filled according to the rules and regulations which may be established in that behalf by the said corporation—and the said corporation shall make provision, that in future appointments of a board of trustees, one third of the said trustees shall go out of office, and be re-eligible in each and every year.

(Approved, Dec. 31, 1823.)

AN ACT

To incorporate the town of Greenville, in the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act the village of Greenville in the county of Butler (being the present seat of justice of said county,) be, and is hereby incorporated; and that the same be hereafter known by the name of the town of Greenville.

Incorporation.

Sec. 2. *And be it further enacted*, That all the provisions

and requisitions of "An act to incorporate the town of Montgomery in the county of Montgomery, passed December third, one thousand eight hundred and nineteen," exclusive of the first section of said act shall apply to the organization and government of said town of Greenville: *Provided*, That the tenth section of said recited act shall not be so construed as to authorize persons residing without the limits of said corporation of Greenville to vote for town officers for the same.

Governed by the act incorporating, Montgomery.

Provided:

Sec. 3. *And be it further enacted*, That it shall be the duty of the judge and commissioners of the county of Butler when sitting for such purposes to cause all the hands residing within the limits of said town of Greenville, liable by law to work on public roads, to be apportioned to work on the several public streets, avenues, and squares, within said limits, as they may from time to time think necessary to have improved; and appoint one or more overseers to superintend the same; and the hands thus apportioned, shall be required to work thereon, under the rules and regulations which are now, or may hereafter be prescribed by law.

Hands to be apportioned to work on streets

Sec. 4. *Be it further enacted*, That if at any time it shall be considered that the quantity of labor required on said public streets, avenues, and squares, falls short of the labor performed by hands in adjoining precincts, then and in that case, said court shall prescribe what sort of service shall be by the hands residing in said town, performed; which shall be on main roads leading into said town and immediately contiguous thereto: *Provided however*, That the hands thus apportioned, shall not be required to work a greater number of days in any one year, than other hands are, by law required to work on public roads.

Sec. 5. *And be it further enacted*, That no hands residing out of the limits of said town of Greenville shall be required to work on said public streets, avenues, and squares, within said limits.

(Approved, Dec. 30, 1823.)

AN ACT

To repeal in part and amend an act, entitled "An act to incorporate the town of Athens in Limestone County," passed the 19th day of November, 1813.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the president of the trustees of town of Athens appointed as is required in the above recited act, so soon as he shall have procured, the certificate of the judge of the county court of Limestone county that he has taken the oath prescribed by law for justices of the peace, be, and he is hereby made competent to perform all the duties and acts which he has heretofore been able to perform, when commissioned by the Governor.

Judge c'ty. court to commission president of trustees.

Sec. 2. *And be it further enacted*, That so much of the

above recited act as requires the president aforesaid to be commissioned by the Governor, be, and the same is hereby repealed.

(Approved, Dec. 31, 1823.)

AN ACT

To amend an act entitled an act to incorporate the Huntsville Fire Engine Company, passed December 10th, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the persons who now are, or hereafter may be residents within the corporate limits of the town of Huntsville, who have become members of the Fire Engine Company of the town of Huntsville, or who may hereafter become members of said Fire Engine Company agreeably to the act of incorporation, passed as aforesaid, shall be exempt from military duty in time of peace, so long as they reside within the corporate limits of the town of Huntsville and continue to perform the duties imposed by the by-laws of said Fire Engine Company: *Provided,* That no person shall be exempt from performing military duty under the provisions of this act, in time of war, invasion, insurrection or any emergency of the country which may require their services; in which case the colonel of the regiment shall be authorized to issue an order placing them under the same restrictions, liabilities and regulations as are imposed by law, on the militia of this state: *Provided,* Said Fire Engine Company shall at no time contain more than fifty members: *Provided also,* That the commandant thereof, shall make return of the strength of his company in the same manner that is provided by law, for the captains of militia companies.

(Approved, Dec. 10, 1823.)

AN ACT

To improve the navigation of Coosa river and to aid in its connection with the Tennessee waters.

Preamble. Whereas, the *utility*, of uniting the waters of Mobile and Tennessee rivers, is a subject of the highest importance; and the *practicability* of the measure, being admitted by every reflecting mind, to afford the facilities of commerce, between different sections of country, which eminently depend upon each other, to open an extensive market for our merchandize, and receive in return, the produce of one of the finest portions of the United States; we deem it advisable to adopt such rules and regulations as are most likely to give success to the undertaking.

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a company shall be established for improving the navigation of the Coosa river, and co-operating with such company as may be incorporated by the legislature of the State of Tennessee for opening a communication between the waters of Tennessee and Alabama rivers.

Members of the company exempt from military duty, in time of peace.

Proviso.

Company established

Sec. 2. *Be it further enacted*, That the capital stock of said company shall not exceed the sum of one hundred thousand dollars; unless, hereafter enlarged by law; exclusive of such sum as the general assembly may hereafter think proper to subscribe: the right to make such subscription is hereby reserved to the state, to an unlimited amount.

Sec. 3. *And be it further enacted*, That subscriptions for stock, each share to consist of fifty dollars, shall be opened on the first Monday of October next, at the town of Montgomery; under the superintendence of John D. Bibb, C. C. Billingsley and William Sayre:

At the town of Washington, Autauga county, on the first Monday of October next, under the superintendence of John W. Freeman, William R. Pickett, & James Jackson.

At the town of Coosawda, on the first Monday of October next, under the superintendence of Peyton Bibb, Bowling Hall and James S. Walker.

At the town of Ashville, on the first Monday of October next, under the superintendence of Robert Lawson, Isaac S. M'Means and George Shotwell.

At the town of Selma, on the first Monday of October next, under the superintendence of Gilbert Shearer, Edward Conway and William Johnston.

At the town of Cahawba, on the first Monday of October next, under the superintendence of Uriah G. Mitchell, Samuel Pickens and Jesse Beene.

At the town of Claiborne, on the first Monday of October next, under the superintendence of James H. Draughan, Alexander Torry and William W. M'Connico.

At the city of Mobile, on the first Monday of October next, under the superintendence of Thomas L. Hallett, Thomas T. Holt and Thomas J. Burney.

And at the town of Blakely, on the first Monday of October next, under the superintendence of Russell Stebbins, James L. Seabury and Gideon J. Mills, which subscriptions shall be kept open for forty days at each place.

Sec. 4. *Be it further enacted*, That superintendants at Cahawba shall have full power and authority to appoint agents to open subscriptions at any other place, or places they may deem proper and to publish the times of opening the same, in some news paper, published nearest the place, or places of opening such subscription.

Sec. 5. *Be it further enacted*, That one tenth part of each share shall be paid at the time of subscribing, and the remainder payable by instalments not to exceed the rate of one tenth for every six months thereafter. The times of payment to be published in the news-papers at Cahawba, Montgomery and Mobile every week, for two months before the respective payments shall be required to be made. Such times of payment to be determined by the directors. The payments to be made in specie paying currency. The

Superintendants to be furnished with names of subscribers, &c.

Directors elected.

Subscriptions may again be opened.

Style of the corporation.

Their powers.

superintendants shall place the monies in the nearest bank, or other secure hands for safe keeping, and shall immediately after the term of subscription, give notice in writing to the superintendants at Cahawba, of the names of subscribers, the number of shares subscribed by each, and the monies paid in. And in case the aggregate amount of subscriptions, amount to thirty thousand dollars, then the superintendants at Cahawba, shall publish a day and place for the election of seven directors, every share to be entitled to one vote, and stockholders to be entitled to vote by proxy. The said superintendants at Cahawba to have full power and authority to appoint managers for holding such election.

Sec. 6. *And be it further enacted*, That in case the whole amount of subscriptions shall not amount to the sum of thirty thousand dollars, the superintendants at Cahawba, shall forthwith determine, as their discretion may direct, either to order and advertise for opening subscriptions again at the places aforesaid by the same superintendants, or others, in case of death or removal of those previously appointed, or to direct the repayment to subscribers, the sums respectively subscribed and paid.

Sec. 7. *Be it further enacted*, That the company hereby established shall be, and the same is hereby made a body politic and corporate, under the name and style of the "Coosa Navigation Company," and shall so continue until one thousand eight hundred and forty-eight; and by that name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatever kind, nature and quality, to an amount not exceeding in the whole one hundred and fifty thousand dollars, including in the amount of capital stock. And the same to sell, grant, demise, alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any suit, action, matter, or thing, in any court either of law or equity, or any other place whatsoever; and also, to make, have and use a common seal, and the same to break, alter, or renew at their pleasure. And also, to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as they shall deem necessary and convenient for the government of said corporation, not being contrary to the laws of this state, or of the United States, and generally to do and execute, all and singular, the acts, matters and things, which to them may appear necessary, or which to them it shall or may appertain to do, as incident to bodies corporate; subject, nevertheless, in addition to the restrictions, limitations and provisions, hereinafter prescribed and declared.

Sec. 8. *Be it further enacted*, That the directors shall

meet and organize, and appoint such officers as may be necessary for conducting the business of said company. They shall keep regular accounts, and make an annual report of their proceedings and finances to the legislature of this state. In case of the death, resignation or removal, of any one of the directors, or should a vacancy occur in any manner whatever, in the board of directors, a majority of the remaining directors, may fill such vacancy. And an annual election of directors shall be held on the first Monday of December, in each and every year at Cahawba. The directors shall have power to change the place of election of directors, giving public notice thereof in some newspaper at least two months before the election.

Directors
to appoint
officers.
To report
to the le-
gislation.
Vacancies,
how filled.

Sec. 9. *Be it further enacted,* That the directors, a majority being present, shall have power to determine upon all plans of improvement relative to the contemplated improvement: and may authorize a committee, or agents to contract for, or to superintend the execution of any such plan; and to make contracts for necessary supplies, or for such engineers, and laborers, as may be required, not to exceed in amount or value the sums appropriated by the board of directors.

Directors
shall order
improve-
ments, &c;

Sec. 10. *Be it further enacted,* That the directors may subscribe to such company as may be incorporated by the legislature of the state of Tennessee, for the purposes mentioned in the first section of this act, a sum not exceeding the one third part of the whole subscribed capital of the company hereby incorporated: *Provided,* That no such subscription shall be made, unless the assent of a majority in interest of the stockholders be obtained in writing.

May sub-
scribe to
Tennessee
Company.

Sec. 11. *Be it further enacted,* That the directors shall have power, to enforce the payment of stock subscribed, either by making a failure amount to a forfeiture or otherwise.

May en-
force the
payment of
stock.

Sec. 12. *Be it further enacted,* That when the improvement of the fall, called *Wetumka* shall be deemed by the directors to be completed, and the directors, shall desire liberty to receive toll for the passage of boats over the same, they shall apply to the Governor of this state who shall cause the same to be examined; and in case such improvement is deemed completed, so as to admit the easy and safe ascent, and descent of boats of fifty tons burthen, then he shall certify the same to the directors: Whereupon, they shall be authorized to make regulations for receiving toll, not exceeding the rates hereinafter mentioned, that is to say: For each barrel, twelve and a half cents.

When toll
shall be re-
ceived.

Sec. 13. *Be it further enacted,* That when the several shoals above the *Wetumka Falls*, including those at the Ten Islands, shall be deemed completed as far as to allow the easy and safe ascent and descent of boats of twenty tons, then the directors may apply to the Governor, of this state,

Rates.

and obtain a certificate in like manner, as is provided in the last preceeding section of this act; and shall thereupon be authorized to make regulations for receiving toll not exceeding the rates hereinafter mentiond, viz: For each barrel twelve and a half cents.

Sec. 14. *Be it further enacted*, That when the directors shall certify to the Governor of this state, that any shoal, or shoals, is, or are, in a partial state of forwardness so as to admit of the safe ascent, and descent of boats of twenty tons, the Governor, shall, on being satisfied with the state of improvement of said river, or any part thereof, grant liberty to receive toll at such rates as from the state of the works he may deem proper.

Dividends
to be de-
clared.

Sec. 15. *Be it further enacted*, That the directors after receiving said toll on all or any part of the works, shall commence, and declare semi-annual dividends on the first Monday of June and December, in each and evrey year, of nett proceeds, as may be above all expenses and sums necessary for repairs and improvements.

Stock, how
transferble

Sec. 16. *Be it further enacted*, That stock shall be transferable, only on the books of the company.

Directors
may enter
into con-
tract with
Tennessee
Company.

Sec. 17. *Be it further enacted*, That the directors, by and with the consent of a majority in interest of the stockholders, may enter into such contract, with any company which may be formed by the state of Tennessee for opening the communication between the waters of Tennessee, and Alabama Rivers, which may be requisite to complete a canal, or improve the waters in Tennessee leading to the point of communication, as they may deem proper, not contravening any of the laws and regulations of the state of Tennessee.

(Approved, Dec. 30th, 1823.)

AN ACT

To improve the Navigation of the Tennessee River.

Company
established

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a company shall be established for improving the navigation of the Tennessee river, the capital stock of which shall not exceed the sum of one hundred thousand dollars, unless hereafter enlarged by law: exclusive of such sum as the General Assembly may authorize to be taken for and in behalf of the state: the right to make such subscription being hereby reserved to the state.

Capital.

State may
subscribe.

Subscrip-
tions to be
opened, at
Huntsville

At Athens.

At Flor-
ence.

At Tus-
cumbia,

Sec. 2. *Be it further enacted*, That subscriptions for stock in shares of fifty dollars each, shall be opened on the first Monday of June next, at the town of Huntsville, under the superintendence of Thomas Fearn, William Patton, and Alexander G. Morgan: at the town of Athens on the first Monday of June next, under the superintendence of James W. Walker, Beatty and John D. Carroll: at the town of Florence, on the first Monday of June next, under the superintendence of John M'Kinley, George Coulter, and James Jackson: at the town of Tuscum-bia, on the first Monday of June next, under the superintend-

ence of Anthony Winston, John J. Winston, and Thomas Lime-
 rick : at the town of Courtland on the first Monday in June
 next, under the superintendence of Benjamin Sherrod, John P.
 Hickman, and Charles McClung : at the town of Somerville, on
 the first Monday of June next, under the superintendence of
 Edward Richardson, Robert Tabscott and Thomas M'Elbery :
 and at the town of Bellefonte on the first Monday of June next,
 under the superintendence of George W. Higgins, James Rus-
 sell and Robert C. Hawkins.

At Court-
land.

At Somer-
ville.

At Belle-
fonte.

Sec. 3. *Be it further enacted*, That one tenth part of each
 share shall be paid at the time of subscribing ; and the remain-
 der payable by instalments not to exceed the rate of one tenth
 for every sixty days thereafter. The times of payment to be
 published in some of the news-papers at Huntsville and Flor-
 ence, every week, for one month before the respective pay-
 ments shall be required to be made ; such times of payment to
 be determined by the directors. The superintendents shall
 place the moneys in the nearest bank, or other secure hands for
 safe keeping ; and shall immediately after the term of subscrip-
 tion, give notice in writing to the superintendents at Huntsville
 of the names of subscribers, the number of shares subscri-
 bed by each, and the monies paid in ; and in case the aggregate
 amount of subscriptions amount to ten thousand dollars, then the
 superintendents at Huntsville shall publish a day and place for
 the election of thirteen directors, every share to be entitled to
 one vote, and stockholders to be entitled to one vote by proxy.
 The said superintendents at Huntsville to have full power and
 authority to appoint managers for holding such election.

Subscrip-
tions, when
paid.

Directors
to be elect-
ed.

Sec. 4. *And be it further enacted*, That in case the whole
 amount of subscriptions shall not amount to the sum of ten thou-
 sand dollars, the superintendents at Huntsville shall forthwith
 determine, as their discretion may direct, either to order and
 advertise for opening subscriptions again, at the places aforesaid,
 by the same superintendents or others, in case of death or re-
 moval of those previously appointed, or to direct the repayment
 to subscribers, the sums respectively subscribed and paid.

Subscrip-
tions may
be again
opened.

Sec. 5. *Be it further enacted*, That the company hereby es-
 tablished, shall be, and the same is hereby made a body politic
 and corporate, under the name and style of the "*Tennessee Na-
 vigation Company*," and shall so continue until one thousand
 eight hundred and fifty-two ; and by that name shall be, and are
 hereby, made able and capable in law to have, purchase, re-
 ceive, possess, enjoy, and retain to them and their successors,
 lands, rents, tenements, hereditaments, goods, chattels and ef-
 fects, of whatever kind, nature and quality, to an amount, not
 exceeding in the whole two hundred thousand dollars, including
 the amount of capital stock, and the same to sell, grant, demise,
 alien or dispose of, to sue and be sued, plead and be impleaded,
 answer and be answered unto, defend and be defended, in any
 suit, action, matter or thing, in any court either of law or equi-
 ty, or any other place whatsoever : and also to make, have and
 use a common seal, and the same to break, alter, or renew at
 their pleasure. And also to ordain, establish and put in execu-
 tion such by-laws, ordinances and regulations, as they shall
 deem necessary and convenient for the government of said cor-

Style of the
corpora-
tion.

Their
power.

poration, not being contrary to the laws of this state, or the United States : and generally to do and execute, all and singular the acts, matters and things, which to them may appear necessary, or which to them it shall or may appertain to do, as incident to bodies corporate, subject nevertheless, in addition to the restrictions, limitations and provisions hereinafter prescribed and declared.

Directors to appoint officers. Sec. 6. *Be it further enacted,* That the directors shall meet and organize and appoint such officers as may be necessary for conducting the business of said company. They shall keep regular accounts, and make an annual report of their proceedings and finances to the legislature of this state. In case of the death, resignation or removal, of any one of the directors, or should a vacancy occur in any manner whatever, in the board of directors, a majority of the remaining directors may fill such vacancy; and an annual election of directors shall be held on the first Monday of October in each and every year, at Huntsville.—
To report legislative vacancies, by whom filled. The directors shall have power to change the place of election of directors, giving public notice thereof in some newspaper at least two months before the election.

Election of directors. Sec. 7. *Be it further enacted,* That the directors, a majority being present, shall have power to determine upon all plans of improvement relative to the contemplated improvement ; and may authorize a committee or agents to contract for, or to superintend the execution of any such plan ; and to make contracts for necessary supplies, or for such engineers and laborers as may be required, not to exceed in amount or value the sums appropriated by the Board of Directors.

Directors may determine upon plans, & order their execution. Sec. 8. *Be it further enacted,* That the directors shall have power to enforce the payment of stock subscribed either by making a failure amount to a forfeiture or otherwise.

May enforce the payment of stock. Sec. 9. *Be it further enacted,* That when the improvement of Colbert's Shoals in the Tennessee River shall be deemed by the directors to be completed, and the directors shall desire liberty to receive toll for the passage of boats over the same, they shall apply to the Governor of this state who shall cause the same to be examined, and in case such improvement is deemed completed, so as to admit the easy and safe ascent and descent of boats of thirty tons burthen, then he shall certify the same to the directors : Whereupon, they shall be authorized to make regulations for receiving toll, not exceeding the rates hereinafter mentioned, that is to say : For each hundred pounds one cent.

Toll shall be rec'd. Sec. 10. *Be it further enacted,* That when the several shoals, above Colbert's Shoals, embracing all that part of the Tennessee River, from Florence to the head of the Muscle Shoals, shall be deemed improved so far to allow the easy and safe ascent and descent of boats of sixteen tons, then the directors may apply to the Governor of this state, and obtain a certificate in like manner, as is provided in the last preceeding section of this act ; and shall thereupon be authorized to make regulations for receiving toll not exceeding the rates hereinafter mentioned, viz : For each hundred pounds four cents : *Provided,* The said company shall commence the same within ten months from the passage of this act ; and complete the same within five years thereafter :

Rates.

And provided also, That said company shall not interrupt or obstruct the present channel or navigation of the said river between the points as aforesaid.

Sec. 11. *Be it further enacted*, That when the directors shall certify to the Governor of this state, that any shoal or shoals, is, or are in a partial state of forwardness so as to admit of the safe ascent and descent of boats of sixteen tons the Governor shall, on being satisfied with the state of improvement of the said river, or any part thereof, grant liberty to receive toll at such rates as from the state of the works he shall deem proper.

Sec. 12. *Be it further enacted*, That the directors after receiving said toll on all or any part of the works, shall commence to be declared. and declare semi-annual dividends on the first Mondays of March and September in each and every year, of nett proceeds, after defraying the expenses of all necessary repairs and improvements.

Sec. 13. *Be it further enacted*, That stock shall be transferable only on the books of the company.

Sec. 14. *And be it further enacted*, That A. G. Morgan and his associates, are hereby authorized and empowered to construct locks, dams, &c. in any shoal in the Tennessee River above the Muscle Shoals, within the limits of this state, so as to render the said shoals navigable for steam-boats: *Provided*, The said locks, dams, &c. shall not interfere with, or in any manner obstruct the free navigation of the said shoals in the channels now in use.

Sec. 15. *And be it further enacted*, That the said A. G. Morgan and his associates, shall be entitled to the exclusive use of such locks, dams, &c. as they may construct by the authority herein granted, for the period of twenty-nine years: *Provided*, That nothing herein contained shall be so construed as to prevent the state from making such improvements in the navigation of the said river, as it may, from time to time, think proper.

Sec. 16. *And be it further enacted*, That unless the said A. G. Morgan and his associates, shall accomplish the construction of the said locks, dams, &c. within the period of two years from the date hereof, they shall be, and are hereby debarred from all rights, privileges and immunities granted to them by virtue of this act.

Sec. 17. *And be it further enacted*, That flat bottomed and keel boats ascending or descending the said river, shall be permitted to pass through said locks, dams, &c. free of toll.

(Approved, Dec. 31, 1823.)

AN ACT

supplemental to, and explanatory of two acts—one to improve the navigation of the Coosa river, and to aid in its connection with the Tennessee waters; and the other to improve the navigation of the Tennessee river.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That nothing in either of said acts shall be so taken or construed, as to prevent or obstruct the free navigation of either of said rivers, so far as they are now navigable streams, until the assent of Congress shall be obtained authorizing the same.

(Approved, Dec. 31, 1823.)

AN ACT

To incorporate Flint River Navigation Company in Morgan County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the stream running from Ford's Mills into the Tennessee River is hereby declared a public highway.

River de-
clared pub-
lic high
way.

Persons fel-
ing trees,
&c. forfeit
incurred.

Sec. 2. *And be it further enacted* That if any person or persons, shall cut, or fell a tree into said river, and shall not remove the same, or shall otherwise obstruct the navigation of the said river, shall for every such offence forfeit and pay the sum of three dollars, for every day the same is thus obstructed, to be recovered before any court having jurisdiction of the case, in the name of said company, and applied to the improvement of the navigation of said river.

Company
incorpora-
ted.

Sec. 3. *And be it further enacted,* That Francis Dancy, Charles Lockhart, Middleion Ford, Jonathan Burleson, Drury Stovall, David M'Clung and such other persons as shall be associated with them, are hereby constituted and declared a body corporate, under the name and style of "The Flint River Navigation Company," in Morgan county;

They may
rec'e. sub-
scriptions.

who shall be authorized to receive subscriptions and donations, and apply the same in such manner as they shall direct, to the improvement of the navigation of Flint River in Morgan county, from the forks of the same to the Tennessee river.

(Approved, December 30, 1823.)

AN ACT

To allow the Administrators of Aaron Murphy, deceased, to convey a Certificate therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the administrators of Aaron Murphy, deceased, are hereby authorized and fully empowered to transfer and assign unto Joseph Stephens the certificate of the east half of the north-west quarter of section thirty-six, township eleven, and range two, east of the Basis meridian, lying in the county of Blount, upon such terms as the administrators deem proper.

(Approved, Dec. 30, 1823.)

AN ACT

To authorize Young A. Gray to convey certain Real Estate therein mentioned.

Preamble. Whereas it has been represented to this General Assembly, that James B. Gray infant son of Young A. Gray is in danger of losing a certain section of land by forfeiture and reversion to the United States—for remedy whereof,

Descrip-
tion of land
to be con-
veyed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Young A. Gray, the father of James B. Gray an infant, be, and he is hereby authorized and empowered to make sale and transfer the certificates of the thirteenth section, range three, township three west, lying in the

county of Limestone, the title to which is now vested in his said infant son James B. Gray; and that the sale and transfer so made shall be good and valid to all intents and purposes, any law to the contrary notwithstanding: *Provided nevertheless*, That the said Young A. Gray, before he shall be permitted to transfer said certificate, shall execute a bond payable to the judge of the county court of Limestone county, and his successors, with two good and sufficient securities in the sum of dollars conditioned, that he will well and truly account with said James B. Gray, when he attains the age of twenty-one years, for the money arising from the sale of said land, and the interest thereof in the same way and manner that guardians are now required by law, to account for the property of their wards; which bond shall enure to the use and benefit of said James B. Gray and his heirs, and upon a breach of the condition thereof, suit may be brought in the name of the judge of the said county court of Limestone county for the use of said James B. Gray, or of his heirs: *Provided however*, That nothing in this act shall be taken or so construed as to effect the right, interest or claims of any of the creditors of the said Young A. Gray, or the interest and right of the said James B. Gray; but that the proceeds of said land, shall be liable and subject to such disposition in relation to the interest and claims of the said James B. Gray, and the creditors of the said Young A. Gray, as the said land or claim thereto would have been, had this act not been passed.

Proviso

To enter into bond.

(Approved, Dec. 30, 1823.)

AN ACT

To Incorporate the Huntsville Library Company.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Thomas Fearn, Samuel Hazard, John Boardman, James G. Birney, George Fearn, Miles S. Watkins, Henry Minor, Thomas Brandon, and others associated with them, for the purpose of establishing a library in the town of Huntsville, are hereby, incorporated as a body politick and corporate, in deed and in law, by the name and style of the "*Huntsville Library Company*."

Company incorpo'd.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said corporation, by their name aforesaid, shall have perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form as may be prescribed by the by-laws, made for the government of the said corporation: and that they may have a common seal, with power to alter and make new the said rules and regulations, and the said common seal as often as they shall deem expedient.

Their powers.

Sec. 3. *And be it further enacted*, That the said corpora-

tion shall be able and capable in law, to purchase, have, hold, possess, enjoy, and retain to itself in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature soever, and to sell, alien or dispose of the same, as they may think proper; and by its name above mentioned, to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity, in this state: and to make such rules and regulations not repugnant to the constitution and laws of this state, or of the United States, as they may deem expedient: *Provided*, That they shall not possess, and enjoy real estate to a greater amount than five thousand dollars.

(Approved, Dec. 29, 1823.)

AN ACT

To incorporate the Limestone and Flint River Navigation Companies.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Henry E. Turner, Waddy Tate, James B. Lockhart and James Searcy, be, and they are hereby appointed commissioners, with power to open books at shoal ford of Limestone, and such other place or places as they may think proper, and to receive subscription of stock in the Limestone Navigation Company, in shares of twenty dollars each.

Com'rs to
open books
for sub'ns.

Company
incorporated.

Their
powers..

Sec. 2. *And be it further enacted*, That said subscribers shall be, and they are hereby, created a body corporate and politic, by the name and style of the *Limestone Navigation Company*, with power to sue and be sued, plead and be impleaded, in any court of record in this state, having jurisdiction of the subject matter; to have a common seal, and the same to break, renew and alter at pleasure; and also, to ordain establish and put in execution such by-laws as they shall deem necessary for the government of said corporation not inconsistent with the laws of this state; and to do and perform acts and things necessary to carry into effect the powers hereby granted, subject to the restrictions hereinafter prescribed; and to purchase hold and dispose of for the benefit of said corporation, real, personal and mixed estate not exceeding double the amount of the stock subscribed.

Directors
elected.

From what
points to be
improved.

Sec. 3. *And be it further enacted*, That so soon as the sum of two thousand dollars shall be subscribed, notice thereof shall be given by said commissioners to the stockholders, who shall at their first meeting, to be held at Athens, fifteen days after the date of such notice, proceed to elect five directors, who shall elect one of their own body president; and that said corporation shall have power and authority to open and improve the navigation of Limestone creek, in the county of Limestone, from the mouth of said creek to shoal ford on Limestone: *Provided*, That said company shall never erect toll gates or collect or im-

pose any toll, from the mouth of Limestone to the town of Mooresville: *Provided also*, That all locks required at any mill or machine dams heretofore erected, or which may hereafter be established, shall be done at the expense of said company. Proviso.

Sec. 4. *And be it further enacted*, That the acts incorporating the Indian Creek Navigation company, shall be the act of incorporation of said Limestone navigation, so far as they apply: *Provided*, the act incorporating the Limestone Navigation Company shall commence from the passage thereof and be in force until the first day of January eighteen hundred and forty five.

Sec. 5. *And be it further enacted*, That John Hewlet, William Veitch, John Scott, William Moore, John Griffin, John Hamner, Gross Scruggs and John M'Cartney, be, and they are hereby appointed commissioners to superintend and apply all moneys which may be subscribed for the purpose of cleaning out and removing all obstructions in Flint river, below Brown's mills; and they, together with the persons named in the act, entitled an act to incorporate the Flint River Navigation Company, passed on December the fourteenth, eighteen hundred and twenty, shall have full power to improve, clear out, and remove all obstructions in said river; and to do and perform all acts necessary to carry the same into operation, agreeably to the provisions of said terms of incorporation; and any five of the persons named in said act of incorporation shall form a board to do business, and they shall keep an account of all receipts and disbursements, and exhibit the same whenever called on by any one or more of said subscribers; and they are hereby authorized and requested to open books of subscription, for the purpose of carrying into effect, an act to incorporate the Flint River Navigation Company, agreeably to the provisions and intention of the said act of incorporation. Com'rs for
Flint river.

Sec. 6. *And be it further enacted*, That the subscribers who may contribute three dollars or upwards, shall be members of said corporation; and for the management of the funds of said corporation, there shall be elected nine directors, annually, in the town of Brownsborough, on the first Monday in April in each year, by the stockholders; and the directors thus elected, shall serve for one year, and until their successors are duly qualified agreeable to this provision; and the board of directors at their first meeting after their election, shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period for which the directors are elected as aforesaid: *Provided*, That in case it shall so happen that an election of directors shall not be made at the times above mentioned, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful at Stockhold-
ers to elect
directors.

any other time to hold such election ; and in case of the death, resignation, removal from office or absence of the president or a director, for more than six months, the vacancy may be supplied by a majority of the board.

May enact
by-laws.

Sec. 7. *And be it further enacted*, That the president and directors, for the time being, shall have power to enact such by-laws, as they may deem expedient for the good government of said corporation, and for carrying the same into effect, which are not contrary to the constitution and laws of this state.

(Approved, Dec. 31, 1823.)

AN ACT

To authorize the administratrix of Oliver Holman, deceased, late of the county of Mobile, to sell real estate.

Estates
may be
sold.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the administratrix of the late Oliver Holman, resident in the city of Boston, in the state of Massachusetts, be, and she is hereby authorized to sell, by Nathaniel Littlefield and Gorham Davenport, her attorneys in fact, the real estate of which the said Oliver Holman, died seized, in the city of Mobile, on such terms, and in such manner, as may be deemed most advantageous to the estate of the said deceased.

To make
convey-
ance.

Sec. 2. *And be it further enacted*, That the said administratrix, be, and she is hereby authorized, by her attorneys aforesaid, on the sale of said estate, to make to the purchaser or purchasers, as the case may be, a legal conveyance of the same, which shall be as binding, as if the same had been made by the said Oliver Holman, in his life time.

Att'y to
enter into
bond.

Sec. 3. *And be it further enacted*, That Nathaniel Littlefield and Gorham Davenport, before the sale of the estate aforesaid, shall enter into bond with sufficient security payable to the judge of the county court of Mobile county, for the true and faithful payment of the money arising from the sale of said estate, into the hands of the administratrix thereof, to be appropriated to the payment of the debts due by said decedent.

Adm'x of
H. B. Slade
authorized
to sell real
estate.

Sec. 4. *And be it further enacted*, That Elizabeth Slade, administratrix of Henry B. Slade, late of the county of Mobile, be, and she is hereby authorized and empowered, to sell all, or any number of the certificates of certain lands belonging to the estate of her said intestate, on such terms, and in such manner, as she may deem most advantageous to said estate, taking bond and sufficient security for the consideration.

To make
transfers.

Sec. 5. *And be it further enacted*, That the said administratrix, be, and she is hereby authorized, on the sale of such certificates, to make to the purchaser or purchasers, as the case may be, a legal transfer of the same ; which

shall be as valid, and as binding as if the same had been made by the said Henry B. Slade, in his life time.

Sec. 6. *And be it further enacted*, That the said administratrix shall, before the sale of the land herein before authorized to be sold, enter into bond with sufficient security, payable to the judge of the county court of Mobile county, for the true and faithful disposition of the money arising from the sale of the said land, agreeably to the existing laws, regulating the distribution of the personal estate of deceased persons. To enter into bond.

Sec. 7. *And be it further enacted*, That the guardian of Virginia Murry be authorized to sell and dispose, on a credit of one and two years, six lots, or parcels of land, situated and lying in Madison county, and make title to the same: which land descended to the said Virginia Murry, as her part of the real estate of her father, William O. Murry, deceased: *Provided*, he shall first enter into bond and security, to be approved by the judge of the county court of Morgan county, conditioned, that he will appropriate the money arising from such sale, in such manner as is directed by the existing laws now in force, for the disposition of the estate of minors: *And provided*, that he give three months public notice of the time and place of such sale. Guardian of V. Murry authorized to sell land. Provide.

[Approved, Dec. 31, 1823.]

AN ACT

Supplementary to an act, entitled an act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained, passed December 27th, 1822.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That in all cases where petitions may be hereafter presented to the judge of any county court in this state, for the sale of any real estate, pursuant to the provisions of the above recited act, if the petitioner will make oath, that any of the heirs or devisees live beyond the limits of this state, or that their residence is unknown to the petitioner, then, and in that case, a notice by advertisement, published in one or more news-papers, for such length of time as the judge of said court may order, shall be deemed and held as sufficient notice pursuant to the provisions of the aforesaid act, authorizing the sale of real estate. What shall be deemed sufficient notice for the sale of estate, if heirs live without the state.

(Approved, Dec. 10, 1823.)

AN ACT

To authorize the administrators of Walter Otey, deceased to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the administrators of Walter Otey, deceased, be, and they are hereby authorized to sell on a credit of one, two and three years, the house and lot in the town of Huntsville, called and known as the bell tavern: Property to be sold, designated

Adm'r to
enter into
bond.

Sec. 2. *And be it further enacted*, That before the said administrators proceed to sell the said property, they shall enter into bond and security to be approved by the judge of the county court of Madison, for such sum as said judge shall direct, conditioned, that the said administrators will make faithful application of the money arising from the sale of the said property.

(Approved, Dec. 29, 1823.)

AN ACT

To authorize Sally B. Stevens, administratrix of Henry W. Stevens, deceased to sell real estate.

May sell
land or
town lots.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Sally B. Stevens, administratrix of the estate of Henry W. Stevens, deceased, be, and she is hereby, authorized to sell and dispose of the real estate and any certificates of land or town lots belonging to the estate of Henry W. Stevens, deceased, on giving thirty days notice in some public news-paper printed in Cahawba, of the time and place of selling the same.

On a credit.

Sec. 2. *And be it further enacted*, That the real estate and certificates of land shall be sold on a credit of not less than twelve months, and the said sale shall in all other respects be under the same rules and regulations as are now required by the laws in relation to intestates' estate.

[Approved December 17th, 1823.]

AN ACT

Authorizing Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named.

Sale legalized.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sale heretofore made by Matthew Harbeson, administrator of Samuel Harbeson, deceased, to David White of the east half of north east quarter of section fourteen, township eight, range four, west, belonging to the estate of the said Samuel Harbeson, deceased, be, and the same is hereby legalized and made valid.

Adm'r to
make assignment
of certificate.

Sec. 2. *And be it further enacted*, That the said Matthew Harbeson, administrator as aforesaid, be, and he is hereby authorized to execute and deliver to the said David White, an assignment of the certificate for the above described land which issued from the United States to the said intestate, in his life time for the same; which assignment when made and acknowledged by the said Matthew Harbeson, according to the laws regulating transfers of such certificates, shall vest in the said David White, the right and interest in the said land, derived from the United States, as fully and completely, as if the said certificate had been legally assigned to him by the said Samuel Harbeson, in his life time: *Provided*, the said administrator shall first enter into bond and security to be approved by the judge of the county court of

Morgan county, conditioned for the faithful application of the money arising from the sale of the said land.

(Approved, Dec. 17, 1823.)

AN ACT

To authorize the administrators of Isaac Edwards, deceased, to comply with the contracts made by their intestate, respecting his real estate.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the administrators of Isaac Edwards, deceased, are hereby authorized and fully empowered to confirm and comply with all or any contracts made by the aforesaid decedant in his life time, with respect to his real estate. Adm'rs to confirm contracts.

Sec. 2. *And be it further enacted,* That the administrators aforesaid, are hereby empowered to make or receive as good a title in law to any part of the real estate of the before mentioned decedant, as he himself could have made or received in his lifetime; and that this act shall be in force from and after its passage. Adm'rs to make and receive titles.

(Approved, Dec. 29 1823.)

AN ACT

Authorize Richard Inge and Green Hill, executors of the last will and testament of John J. Inge, deceased, to sell and convey real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Richard Inge and Green Hill executors of the last will and testament of John J. Inge, late of Tuscaloosa county, deceased, be, and they are hereby, authorized and empowered, to make sale of certain landed property belonging to the estate of the said decedant, as pointed out and authorized by said will; and to make complete and perfect titles to the same, so as to carry into effect, the meaning and intention of the said testator: any defect or informality in said will to the contrary notwithstanding.

(Approved, Dec. 29, 1823.)

AN ACT

To Emancipate the persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Nancy M'Gee, Peggy M'Gee, Jane M'Gee, William M'Gee and Dixon M'Gee, children of Lynn M'Gee, of Baldwin county, by a woman of color, said woman before and at the time of her intermarriage with said Lynn M'Gee having been his slave, be and they the said Nancy, Peggy, Jane, William and Dixon, are hereby forever emancipated, and set free of, and from all, and all manner of slavery or bondage to the said Lynn M'Gee, his heirs, or representatives, and all others: *Provided,* That the said Lynn M'Gee shall previously execute a bond with two good securities to the judge of the county court of Baldwin county, and his successors in office, that his said children shall N. M'Gee and others emancipated.

Proviso.

never become chargeable to any town or county in this state: *Provided also*, That the rights of creditors shall not be prejudiced by this act.

(Approved, Dec. 31, 1823.)

AN ACT

To authorize David Dickinson, Reuben Hays and William Hays, to Emancipate certain Negroes therein named.

Noah and Rachel emancip'd.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That David Dickinson, Reuben Hays and William Hays, of the county of Blount, be, and they are hereby authorized and empowered to emancipate and set free the following persons of color, to wit: Noah and his wife Rachel.

Bond to be executed.

Rights of creditors not to be affected.

Sec. 2. *And be it further enacted*, That the foregoing authority is granted on the condition only, that the aforesaid David Dickinson, Reuben Hays and William Hays, shall be required to execute their bond, with good and sufficient security, made payable to the judge of the said county court of Blount, and his successors in office, in such sum as the said judge shall require; conditioned that the aforesaid slaves, Noah and his wife Rachel, shall never become chargeable to the state of Alabama, or any county or town thereof; and that the rights and remedies of any creditor or creditors, shall in nowise be affected thereby.

(Approved, Dec. 31, 1823.)

AN ACT

To authorize William Blake to emancipate a Negro man slave named Jacob.

To execute bond.

Slave to remove from the state.

Rights of creditors, not to be affected.

Returning may be exposed to sale.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That William Blake, of the county of Madison, be, and he is hereby authorized and empowered to emancipate a certain negro man slave called Jacob, so soon as the said William Blake, shall have executed to the chief justice or chairman of the county court of Madison county, and his successors in office, a bond in the sum of one thousand dollars, with sufficient security to be approved by the county court, conditioned that the said negro man Jacob, so liberated, shall not become chargeable to this state, or any county or town within the same; and that the said negro slave, Jacob shall remove out of this state within twelve months after being so liberated, and shall not return to reside within the same at any time thereafter: *Provided*, That nothing in this act contained shall in any manner interfere with the right of the creditors of said William Blake.

Sec. 2. *And be it further enacted*, That if said negro shall return to reside in this state, it shall be the duty of the sheriff of any county to which he may so return, to expose

to sale the said negro; and the proceeds thereof shall be appropriated to county purposes.

(Approved, Dec. 31, 1823.)

AN ACT

To authorize William E. Dupree to Emancipate a certain Slave named Billy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That William E. Dupree, be, and he is hereby authorized to emancipate and set free a certain negro man slave named Billy, so soon as the said William E. Dupree shall enter into bond and security to be approved by the judge of the county court of Madison, conditioned that said negro man Billy, shall never become a public charge to any county, city or town, within this state: *Provided*, Nothing in this act shall be construed to interfere with the rights of creditors: *And provided also*, That said negro Billy shall remove out of this state within twelve months after his emancipation, and shall not again return to reside in the same at any time thereafter, under the penalty of being sold as a slave by order of any county court before whom complaint may be made: and the sheriff making such sale shall pay one half the proceeds thereof, to the informer, and the other half into the county treasury of his county.

To enter into bond.

Rights of creditors not affect'd

To remove from the state.

Returning may be sold

(Approved, Dec. 31, 1823.)

AN ACT

To authorize Rebecca Fletcher to Emancipate a certain Slave therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That Rebecca Fletcher, of the county of Lawrence, be, and she is hereby authorized to emancipate a certain man slave named John Spaniard, so soon as the said Rebecca Fletcher shall have executed to the judge of the county court of Lawrence, and his successors in office, a bond with sufficient security to be approved by the said judge, conditioned that the said John Spaniard shall never become a charge to the state of Alabama or any county or town thereof: *Provided*, That said slave shall remove out of this state within twelve months after he is manumitted, and shall not return to reside in the same, under the penalty of being sold as a slave by order of any county court in this state to whom information may be given; and the sheriff making such sale under and in pursuance of such order, shall pay one half the proceeds of such sale to the informer, and the other half into the county treasury of his county: *And provided also*, That nothing contained in this act shall be so construed as to interfere with the rights of creditors.

To execute bond before emancipating.

To remove from the state.

Returning may be sold

Rights of creditors not affect'd

(Approved, Dec. 29, 1823.)

AN ACT

To emancipate a certain Slave named Letitia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

Executors
of B. M.
Woods au-
thorized to
emanci-
pate slave.

That George Phillips and Caleb Tate, executors of the last will and testament of Bailey M. Woods, be, and they are hereby authorized and empowered to manumit and set free a certain slave named Letitia, the property of the estate of the said Bailey M. Woods, so soon as the said George Phillips and Caleb Tate shall have executed to the judge of the county court of Dallas county, and his successors in office, a bond with sufficient security, to be approved of by the said judge; conditioned, that the said slave Letitia shall never become chargeable to the state of Alabama, or any county or town therein; that such emancipation shall not in any manner become prejudicial to the creditors of said Bailey M. Woods: *And provided,* That the said executors shall bind out to service the said slave until she arrives at the age of eighteen years, at which time, the said slave shall remove from this state not to return.

Not to ef-
fect cred's.

(Approved, Dec. 30, 1823.)

AN ACT

To Divorce Margaret Toney from her husband Charles Toney.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decree of the circuit court of Butler county exercising chancery jurisdiction, pronounced and entered at September term one thousand eight hundred and twenty-three, the bonds of matrimony heretofore solemnized and subsisting between Margaret Toney and Charles Toney her husband, be, and the same are hereby annulled and made void; and that the said Margaret Toney be henceforce divorced from the said Charles Toney.

(Approved, Dec. 26, 1823.)

AN ACT

To divorce Mary H. Judge, from her husband William Judge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decree of the circuit court of Butler county, exercising chancery jurisdiction pronounced and entered at March term one thousand eight hundred and twenty-three, the bonds of matrimony heretofore solemnized and subsisting between Mary H. Judge and William Judge her husband, be, and the same are hereby annulled and made void; and that the said Mary H. Judge, be henceforth divorced from the said William Judge.

(Approved, Dec. 26, 1823.)

AN ACT

To divorce Tempy Williams from her husband George Williams.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decree of the circuit court of Decatur county, exercising chancery jurisdiction, pronounced and entered at October term, eighteen hundred and twenty-three, the bonds of matrimony heretofore solemnized and subsisting between Tempy Williams and her husband George Williams, be, and the same are hereby annulled and made void; and that the said Tempy Williams, be henceforth divorced from the said George Williams.

(Approved, Dec. 26, 1823.)

AN ACT

Divorcing Drury Connally from Nancy Connally.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced and entered at November term, one thousand eight hundred and twenty-three, the bonds of matrimony heretofore solemnized and subsisting between Drury Connally and Nancy Connally his wife, be, and the same are hereby annulled and made void; and that the said Drury Connally, be henceforth divorced from the said Nancy Connally.

(Approved, Dec. 29, 1823.)

AN ACT

Divorcing Jane Kelly, from her husband James Kelly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decree of the circuit court of Autauga county, exercising chancery jurisdiction, pronounced and entered at October term, one thousand eight hundred and twenty-three, the bonds of matrimony heretofore solemnized and subsisting between Jane Kelly and her husband James Kelly, be, and the same are hereby annulled and made void; and that the said Jane Kelly, be henceforth divorced from the said James Kelly.

(Approved, Dec. 29, 1823.)

AN ACT

Divorcing Robert Blassengam from Elizabeth Blassengam.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decree of the circuit court of Madison county, exercising chancery jurisdiction, pronounced and entered at November term, one thousand eight hundred and twenty-three, the bonds of matrimony heretofore solemnized and subsisting between Robert Blassengam and his wife Elizabeth Blassengam, be, and the same are hereby annulled and made void; and that the said Robert

Blassengam, be henceforth divorced from the said Elizabeth Blassengam. *[Approved, Dec. 29, 1823.]*

AN ACT

To divorce Sarah Ann Newman from her husband, Francis Newman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decree of the circuit court of Morgan county exercising chancery jurisdiction pronounced and entered at April term one thousand eight hundred and twenty-three, the bonds of matrimony heretofore solemnized and subsisting between Sarah Ann Newman, and her husband Francis Newman, be, and the same are hereby annulled and made void; and that the said Sarah Ann Newman, be henceforth divorced from the said Francis Newman. *(Approved, Dec. 26, 1823.)*

AN ACT establishing a certain County therein named.

Boundaries
of the coun-
ty estab-
lished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all that tract of country lying within the following bounds, to wit: Beginning at that point on the line dividing townships eight and nine west of the meridian of Huntsville, where the Blount county line strikes the same thence west, to the line dividing ranges ten and eleven; thence south with said line, to the south-east corner of township fourteen in range eleven; thence east six miles; thence south twelve miles, thence east until the line dividing townships sixteen and seventeen strikes the Mulberry Fork of the Black Warrior River; thence to the ridge dividing the waters of the Mulberry and Locust Forks of said river; thence along said ridge to the Blount county line; thence with the Blount county line to the beginning: which shall constitute a new county, to be known by the name of "Walker."

Name.

Com'rs. of
R. & Reve-
nue ap-
pointed.

Sec. 2. *And be it further enacted,* That Grief Johnson, William Guttry, sen'r., Hugh Lawler and Joseph Nations, be, and they are hereby appointed commissioners of roads and revenue for said county; and are hereby vested with all the powers and privileges, that by law belong to commissioners of roads and revenue, until the next general election, and until their successors shall be duly qualified.

County
court to ap-
point man-
agers of e-
lections.

Sec. 3. *And be it further enacted,* That the aforesaid commissioners, in conjunction with the judge of the county court, shall appoint managers to superintend an election to be held at the court-house of said county, and at the several precincts hereinafter named, on the first Monday in May next, for the purpose of electing a sheriff, clerks of the county and circuit courts, and such other public officers as may be required by law; which shall be conducted under the existing election laws of this state; and the persons who shall be thus elected, shall be commissioned accordingly.

Election
precincts.

Sec. 4. *Be it further enacted,* That in addition to the election to be held at the court-house, the following pre-

cincts shall be established for said county, to wit: one at the house of Bowling Curington, one at M'Carn's, one at Old Town, and one at Benjamin Murray's.

Sec. 5. *And be it further enacted*, That the said county shall be added to the fifth judicial circuit, and that the circuit courts thereof, shall be held on the fourth Mondays in March and September in each and every year, and continue one week; and the county courts on the fourth Monday in January and July, in each and every year; and the courts of commissioners of revenue and roads the third Monday in February, May, August and November. And it shall be the duty of the judge of the county court of said county, together with the commissioners of roads and revenue, to cause elections to be held throughout the county, for the election of justices of the peace and constables, as well as all military officers, at such times and places as they may appoint; and the certificate of a majority of them, or any one, if but one shall attend, shall be sufficient evidence to authorize a commission to issue.

Courts,
circuit &
county,
when hold-
den.

Justices,
constables
and militia
officers to
be elected.

Sec. 6. *Be it further enacted*, That the militia of said county shall form the forty-third regiment, and be attached to the fifth brigade of the militia of this state; and that it shall be lawful for the several managers of the elections provided for by the third section of this act, to administer to each other respectively the requisite oaths, or that the same may be done by the judge of the county court of said county, or justice of the peace of either of the counties of Tuscaloosa or Jefferson; and that the commissioners of roads and revenue may in like manner be qualified by any authorized officer in either of said counties.

43d. Regi-
ment.

Oaths, by
whom ad-
ministered.

Sec. 7. *Be it further enacted*, That the clerks of the circuit and county courts, of either of the counties, from parts of which said county may be formed, shall immediately after the elections provided for in the third section of this act may be holden, transfer all causes, and the records thereunto belonging, wherein the defendants in such suit may reside within the limits of the aforesaid county of Walker, to the clerk of either the circuit or county court to which the same may properly belong for trial; and all process which may be issued and not returned, which is within the jurisdiction of the counties from which the county aforesaid has been taken, and which properly belong to said county, shall be returned to the clerks of said courts, to which the same may properly belong, in said county of Walker; all of which shall be proceeded upon in the same manner as if originally made returnable to such court.

Clerks to
transfer
causes, &c.

Process re-
turnable to
Walker:

Sec. 8. *Be it further enacted*, That until the establishment of county and circuit courts, as is provided for by this act, all appeals from justices of the peace, all writs of injunction, certiorari, and supersedeas, shall lie to the circuit or county courts of the counties to which the same would properly belong, provided this law had not been passed.

Until es-
tablishm't.
of courts,
appeals,
writs, &c to
be as here-
before.

Entitled to the same rights, &c. as other counties. *Sec. 9. And be it further enacted,* That the aforesaid county, when organized, shall exercise and enjoy all rights, privileges and emoluments, and shall exercise all powers that of right belong and appertain to other counties in this state; and that this act shall be in force, from and after the passage thereof.

Seat of justice. *Sec. 10. Be it further enacted,* That until otherwise provided by law, the house of Peter Baker shall be the temporary seat of justice for said county.

County court, their duty at Feb. term. *Sec. 11. Be it further enacted,* That it shall be the duty of the judge of the county court, and the commissioners of revenue and roads, or of any one of them, if but one should attend, by the third day of the term of the court to be held in the month of February, to make all necessary arrangements for the collection of taxes, and having the census of the county taken, pursuant to the existing laws.

(Approved, December 26, 1823.)

AN ACT

To provide for selecting a Site for the Seat of Justice in Decatur county.

Captains to hold elections for com'rs. *Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the captains of the different militia companies in the said county of Decatur, shall on the first Saturday in March next, after the passage of this act, proceed to hold an election at their respective places of mustering, for the purpose of electing commissioners to select a quarter section of land in said county on which to establish a seat of justice, in conformity with an act of congress, entitled "An act granting to the state of Alabama the right of pre-emption to certain quarter sections of land, passed on the third day of March one thousand eight hundred and twenty-three."

Each company to elect one com'r. *Sec. 2. And be it further enacted,* That each company shall be entitled to elect one commissioner according to the provisions of the first section of this act; and that all persons above the age of eighteen years shall be entitled to vote at such election.

Com'rs. to meet, when & where. *Sec. 3. And be it further enacted,* That it shall be the duty of the persons so elected to meet at the court-house on the first Friday in April next, and select a quarter section of land for the purposes aforesaid: and before entering upon the duties of their commission, shall take the following oath, to wit: I, do solemnly swear (or affirm) that I will discharge the duty imposed on me as commissioner, without favor or partiality, so help me God.

To make return to clerk & he to governor *Sec. 4. And be it further enacted,* That the said commissioners shall return to the clerk of the county court, what quarter section of land they have chosen, whose duty it shall be to certify the same to the Governor.

(Approved, Dec. 17, 1823.)

AN ACT

To repeal part of an act, entitled an act to appoint Commissioners for certain Counties therein named, and for other purposes, passed December 18, 1821.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the fifth section of the above recited act be, and the same is hereby repealed, any law to the contrary notwithstanding.

(Approved, Dec. 29, 1823.)

AN ACT

To alter the Boundary Line of Jefferson County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the boundary line of Jefferson county, be, and the same is hereby altered and extended as follows, to wit: Beginning where the line divides sections twenty-eight and thirty-three, township sixteen, range one east, crosses Cahawba River near Daniel Taylor's, running thence a direct line to the north-east corner of section thirty-four, township fifteen and said range, thence to the north-east corner of section sixteen of said township and range above mentioned, thence west with the line dividing said section and number nine, be, and the same is hereby declared to constitute a part of Jefferson county: *Provided,* That nothing herein contained shall be so construed as to affect the boundaries of the county of Shelby as defined by the existing laws.

(Approved, Dec. 19, 1823.)

AN ACT

To appoint Commissioners for the Counties of Perry and Marengo to sell and convey Town Lots at the towns of Marion and Linden, the seats of justice thereof; and to erect public buildings in the same.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Joseph Evans, Edwin D. King and George Weissinger, be, and they are hereby appointed commissioners for the purpose of surveying, laying off, and selling lots in the town of Marion, the seat of justice in the county of Perry; and contract for and cause the public buildings to be erected for said county, on such terms as they may think most conducive to the true interest of said county.

Sec. 2. *And be it further enacted,* That Allen Glover, William Irons, Brown Bennet, John Spinks, Thomas Ringgold, Morgan Brown, and John E. Anderson, or a majority of them, be, and they are hereby appointed commissioners for the purpose of surveying, laying off, and selling lots at the town of Linden, the seat of justice in the county of Marengo: and contract for, and cause the public buildings for said county to be erected on such terms as they may think most conducive to the true interest of said county.

Sec. 3. *And be it further enacted,* That it shall be the duties of the commissioners in each of the counties aforesaid, to em-

employ
surveyor.

Plat to be
returned
to clerk of
county
court.

Sale to be
advertised.

Com'rs.
may deter-
mine upon
the terms
of sale

Public
square, &c.
to be laid
out and re-
served
from sale

Notice to
be given
for receipt
of propo-
sals, for
undertak-
ing public
buildings.

Underta-
kers to
give bond.

Commis-
sioners to
appoint
treasurer.

Bonds, &c.
to be made
payable to
treasurer.

ploy the county surveyor or some other fit person, to survey, designate and lay off lots in said towns, by such metes and bounds and of such dimensions, as said commissioners may direct; and make out a fair plat or correct map with a certificate of the surveyor thereto, and return the same to the clerk of the county court, whose duty it shall be to record the plat or map with the surveyor's certificate in the record books of his office.

Sec. 4. *And be it further enacted*, That the commissioners in each of the counties aforesaid, shall give six weeks' notice at least in some newspaper printed in this state, of the time and place for the sale of lots at the seats of justice aforesaid, and also at three or more public places by advertisement in the county in which the sale takes place.

Sec. 5. *And be it further enacted*, That the commissioners in each of the counties aforesaid shall have power and authority to sell the lots aforesaid, on such terms and conditions as they may in their opinions think calculated to promote the best interests of the counties respectively; but in no instance to make a title in fee simple to any purchaser or purchasers of any lot or lots, until the whole consideration for the same is actually paid.

Sec. 6. *And be it further enacted*, That the commissioners aforesaid, shall cause to be laid out by the county surveyor or other fit person, a public square of such dimensions as they may deem proper, and such other lots as said commissioners in their opinion, may deem necessary for public use, and reserve the same from sale.

Sec. 7. *And be it further enacted*. That the commissioners in each of the counties aforesaid, shall give six weeks' notice, that they will receive proposals for the building a court-house, jail, and other necessary public buildings, for the use of each of the counties aforesaid, of such dimensions as they may think proper; at the expiration of which time, the commissioners in each county shall take bond, with approved security, from the undertaker or undertakers, in double the amount for which said public buildings may be undertaken, for the faithful completion thereof by the time specified in the bond; and agreeable to the plan by them devised, payable to them as commissioners as aforesaid, and their successors in office.

Sec. 8. *And be it further enacted*, That the commissioners in each of the counties aforesaid shall elect or appoint a treasurer out of their own body, or otherwise, before the sale of the lots aforesaid; who shall give bond, with approved security to be adjudged of by said commissioners, payable to the Governor for the time being, of the state of Alabama, and his successors in office, in such sum as said commissioners may require; which bond shall be recorded in the clerk's office of the county court and therein deposited, and a copy thereof shall be sufficient evidence if the original be lost or destroyed.

Sec. 9. *And be it further enacted*, That all notes, bonds, or other instruments of writing taken by said commissioners not otherwise herein provided for, for the payment of money, shall be made payable to the treasurer of the board of commissioners, and his successors in office, and deposited in the hands of the treasurer: who is hereby vested with full power to sue and recover the sum or sums of money therein specified.

Sec. 10. *And be it further enacted*, That in case of death, resignation, removal, or refusal to act, of either of the commissioners aforesaid, or treasurer, it shall and may be lawful for the residue, or majority of the commissioners in each of the counties aforesaid, to nominate and appoint any fit person or persons to fill such vacancy. Vacancies by whom filled.

Sec. 11. *And be it further enacted*, That the commissioners aforesaid shall take the following oath, before any justice of the peace, subscribe the same, and deposit said oath in the office of the clerk of the county court, viz: "I, _____ do solemnly swear, (or affirm, as the case may be,) that as commissioner of _____ county, I will faithfully, impartially, and to the best of my abilities discharge the duties of commissioner for the county of _____ and as far as in my power to the best interest of the county of _____ So help me God. Commissioners to take oath.

Sec. 12. *And be it further enacted*, That the commissioners and treasurers aforesaid, shall from time to time receive such compensation for their services as shall be allowed them by the county courts of their counties respectively, to be paid out of the county treasury. Their compensation.

Sec. 13. *And be it further enacted*, That the treasurer who may be appointed to the board of commissioners in Perry county, shall be authorized to collect and account for, the money now due or which may hereafter become due to said county, for the lots already sold for the benefit of said county. Treasurer of Perry to collect dues heretofore accrued.

Sec. 14. *And be it further enacted*, That the commissioners in each of the counties aforesaid may, at any time, draw on the treasurer of the board of commissioners for such sum or sums of money, as they may deem necessary for erecting the public buildings and carrying the provisions of this act into effect. Com'rs. may draw upon treasurer.

(Approved, Dec. 17, 1823.)

AN ACT

To establish the permanent seat of justice in the county of Shelby.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James Neil, William Camron, John Brown, Samuel Nabors, Mitchell A. Porter, John Kidd and John Wiseman, be, and they are hereby appointed commissioners for the purpose of selecting three or more of the most eligible and convenient sites, as near the centre of said county as practicable, one of which shall be selected as the seat of justice, for the said county, in the manner hereinafter provided for. Com's appointed to select 3 sites.

Sec. 2. *And be it further enacted*, That the commissioners aforesaid, or a majority of them, shall have power and authority, to procure by purchase or otherwise, all such sites as they may think proper to put in nomination, and to make conditional contracts, for the same; which conditional contracts, shall be affirmed as to the one selected in the manner herein provided for by this act. May make contracts for sites.

Sec. 3. *And be it further enacted*, That the commissioners, aforesaid, shall, so soon as they fix upon and contract for the same, the Sheriff to be furnished with a copy of the same. Sheriff to be furnished.

ed with
No. of sites
elected.

To hold e-
lection.

Site having
the great-
est No. of
votes to be
S. of J.

Com'rs to
meet.

Judge c'ty
ct. to fill
vacancies.

Com'rs to
dispose of
property at
site select-
ed.

the sites as provided for in the second section of this act, notify the sheriff of the said county thereof, and furnish him, with the number of sites selected and a written copy of the terms, upon which each site can be obtained.

Sec. 4. *And be it further enacted*, That it shall be the duty of the said sheriff, so soon as he receives the statement of the commissioners aforesaid, to proceed to advertise an election to be holden, in the county aforesaid, on the first Monday, in April next, at the places, by law, appointed for holding the general elections therein, putting in nomination the places nominated by the said commissioners; annexing thereto the terms upon which each place can be obtained; which intended election shall by the proper officer, be advertised, at each election precinct, at least fifteen days, previous to such election day, and be conducted strictly pursuant to the election laws, now in force in this state.

Sec. 5. *And be it further enacted*, That the site having the greatest number of votes, thus nominated, shall be the permanent seat of justice, for the county of Shelby.

Sec. 6. *And be it further enacted*, That the commissioners aforesaid shall meet at the place of holding courts for said county as early as practicable, which shall not exceed the second Saturday in March next, for the purposes aforesaid; and adjourn from day to day until they have completed their nominations: *Provided*, That the said commissioners before entering on their duties shall take and subscribe the following oath or affirmation, before some justice of the peace, for said county, to wit: I do solemnly swear (or affirm as the case may be,) that I will select, and put in nomination, three or more sites for the seat of justice for the said county of Shelby, at or as near, the centre of the said county, as eligible sites can be had according to my best judgment, without favour, fear, or partiality, or without any other consideration whatsoever, other than the common good and equal rights, and interest of the said county generally: *Provided also*, That it shall be the duty of the judge of the county court for said county, to fill such vacancies as may occur by the death, resignation, or refusal to act, of any of the commissioners appointed by this act; which commissioners appointed as aforesaid, shall be vested with all the powers and authority which the commissioners appointed by this act are vested with; and shall be subject to all the restrictions, and shall take the same oath as is required of said commissioners, and shall be entitled to the same remuneration for their services.

Sec. 7. *And be it further enacted*, That the said commissioners or a majority of them, shall after the said sites is fixed upon as aforesaid, have power to dispose of any and all such real estate, as they may receive by donation, purchase, or otherwise, so as to promote the interest, of the county; and shall farther have power, and authority to contract for

all the necessary public buildings, for the said county, shall have the direction of their several constructions, and superintend, reject, or receive the same, when completed.

To contract for public buildings. Their compensation.

Sec. 8. *And be it further enacted*, That the commissioners appointed by this act, or such as may perform the duties herein required, shall each receive as compensation for their services, one dollar and fifty cents per day, for each day they may be necessarily employed in performing that duty, which compensation, shall be paid out of any moneys remaining in the county treasury, not otherwise appropriated: *Provided*, That they shall first apply to the clerk of the county court, and give in on oath the number of days he or they have been employed as aforesaid, and shall procure a certificate from the clerk to that effect.

Sec. 9. *And be it further enacted*, That all laws contrary to the provisions of this act, be, and the same are hereby repealed.

Repeal.

(Approved, Dec. 17, 1823.)

AN ACT

To establish the Seat of Justice in the County of Pike, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Alexander Jackson, Andrew Townsull, Benjamin Bauldwin, William Cox and Bartlett C. Williams, be, and they are hereby appointed commissioners to fix on a site for the seat of justice for the county aforesaid.

Com'rs appointed.

Sec. 2. *And be it further enacted*, That the aforesaid commissioners or a majority of them, shall have full power to select a site as the seat of justice for the county aforesaid; to contract for and superintend the building a court-house and jail for said county. And it shall be the duty of said commissioners to accept propositions and donations for completing said buildings so as to relieve the county from taxation or to incur as little expense as possible.

To contract for public buildings.

Sec. 3. *And be it further enacted*, That the commissioners aforesaid, before they enter on the duties of their appointment, shall take the following oath or affirmation, to wit: I, do solemnly swear (or affirm) that I will discharge the duty imposed on me as commissioner for the county of Pike without partiality or favor, so help me God.

To take oath.

Sec. 4. *And be it further enacted*, That there shall be three election precincts in the county aforesaid, one at the house of Jacob Dyre's, one at Thomas Warren's and one at the house of Andrew Townsull.

Election precincts.

Sec. 5. *And be it further enacted by the authority aforesaid*, That the present place of holding courts in said county shall be continued as the temporary seat of justice, until other buildings are erected.

present seat of justice, continued.

Sec. 6. *And be it further enacted*, That all laws coming

Repeal.

within the power and meaning of this act, be, and the same are hereby repealed.

[Approved December 17th, 1823.]

AN ACT

To establish certain Election Precincts therein named.

Precincts
in Baldwin

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an election precinct be, and the same is hereby established in and for Baldwin county, at the house of John Matly in the village of "Belle Rose" on the east margin of Mobile Bay.

Sec. 2. *And be it further enacted,* That an election precinct be, and the same is hereby established at Mobile Point, in Baldwin county, at such house as the sheriff thereof may designate from time to time in his notice; and that the election precinct heretofore fixed at Fish River, be, and the same is hereby discontinued.

(Approved, Dec. 29, 1823.)

AN ACT

To establish certain Election Precincts therein named, and for other purposes.

Precincts
in Autauga

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the election precinct heretofore established at the house of John Lewis, on Pine Flat in the county of Autauga, be, and the same is hereby discontinued; and that the following election precincts be, and the same are established in said county, to wit: one at the house of Francis Posey, senior, on Chesnut Creek; one at the town of Coosawda; one at the house of John Walker in Captain Hogg's district; and one at the house of John Gray on Coosa River.

In Lime-
stone.

Sec. 2. *And be it further enacted,* That two additional precincts be established, one at the house of Captain John Wafford on Poplar Creek, and one at the house of Clements, in Limestone county.

In Dallas,

Sec. 3. *And be it further enacted,* That the precinct heretofore established at the house of John Rose, on Cedar Creek, in the county of Dallas, be discontinued; and that an election precinct be established at the store of William Foster, on Cedar Creek in said county.

In Frank-
lin.

Sec. 4. *And be it further enacted,* That in addition to the places of holding the general elections now established for Franklin county, there shall be one established at the house of Henry Simonton on the waters of Town Creek.

In Jeffer-
son.

Sec. 5. *And be it further enacted,* That the election precinct heretofore established at Green's Old Store on Turkey Creek, in Jefferson county, be, and the same is hereby discontinued; and that an additional precinct be established at Captain Bryant's, on the north side of said creek.

Sec. 6. *And be it further enacted*, That the election precinct heretofore established at the house of Noah B. Coker in Bibb county, be, and the same is hereby discontinued; and that in lieu thereof, there be one established at the house of Matthew Cox; and also an additional precinct be established at the house of Ezekiel Miller in said county.

In Bibb.

Sec. 7. *And be it further enacted*, That the election precinct heretofore established at the house of John Sharpe, in Greene county, be, and the same is hereby discontinued; and that in lieu thereof, one be established at Captain Gilmore's muster ground; and an additional precinct be established at the store of Major Whitsett in the village of Havanna in said county.

In Green.

Sec. 8. *And be it further enacted*, That two additional precincts be established in Pickens county, to wit: one at the house of Robert Bridges in Captain Prewitt's company; one at the house of Samuel Paden, on Lauxepelila; also one election precinct in Tuskaloosa county, at the house of Richard Jones in Duke's Valley; and one at Vanhoo's Store in said county.

In Pickens.

In Tuska-
loosa.

Sec. 9. *And be it further enacted*, That two election precincts be established in the county of Montgomery, to wit: one at the house of William Miles, esquire; and one at the store of Willie J. Sorrell.

In Montgo-
mery.

Sec. 10. *And be it further enacted*, That an additional election precinct be established in the county of Henry, at the house of Benjamin Hawkins.

In Henry.

Sec. 11. *And be it further enacted*, That two additional election precincts be established, one at the house of Joseph Ship, and one at the house of Thos. Skanes in Butler county.

In Butler.

Sec. 12. *And be it further enacted*, That three additional election precincts be established in the county of Monroe, to wit: one at the house of Thomas M'Connells on Rocky Mount, one at Captain John Hambreck's on Flat Creek; and one at Captain Brown's on Pine Orchard.

In Monroe.

Sec. 13. *And be it further enacted*, That an additional election precinct be established at the house of John Littlefield in the county of St. Clair.

In St.Clair.

Sec. 14. *And be it further enacted*, That the election precincts heretofore established at the house of David Parkles, and the one heretofore established at the house of George D. Nevels, in Decatur county, be, and the same are hereby discontinued; and one precinct be established at the house of Ephraim Bridges in said county; and one at the house of Randolph Boshart in said county.

In Deca-
tur.

Sec. 15. *And be it further enacted*, That an additional election precinct be established in the county of Shelby at the house of Abraham Smith; and that the election precinct heretofore established at Henry Robeson's, is hereby discontinued.

In Shelby.

Sec. 16. *And be it further enacted*, That there be an ad-

In Tuska-
loosa.

ditional election precinct in Tuskaloosa county at the house of Thomas Keeser.

In Blount,
discontin'd

Sec. 17. *And be it further enacted*, That the election precinct held at 'Thomas Jones', in Blount county, be, and the same is hereby repealed.

In Jefferson

Sec. 18. *And be it further enacted*, That in addition to the election precincts already established, there shall be, from and after the passage of this act, one established at the house of Daniel M'Carns, in Jefferson county.

In Conecuh

Sec. 19. *Be it further enacted by the authority aforesaid*, That the election precinct heretofore established at Cotton's Bluff in Conecuh county, be discontinued; and that there be a precinct at Fort Crawford in said county.

In Perry.

Sec. 20. *And be it further enacted*, That in the county of Perry there shall be two additional election precincts; one at the house of Doctor Locket, the other at the house of Samuel A. Jones on the west side of Cahawba River; and that the election precinct at Oliver and Durden's Store, east of Cahawba River, is hereby discontinued; and in lieu thereof, an election precinct is hereby established at Lee and Ford's Mill, east of Cahawba River.

In Dallas.

Sec. 21. *And be it further enacted*, That there shall be an additional election precinct for Dallas county established at the house of John Rainers on the west side of Boguc-Chitto Creek.

In St. Clair.

Sec. 22. *And be it further enacted*, That the election precinct heretofore held at the house of Henry Bradford in St. Clair county, be discontinued; and that one be established at the house of Thomas C. Bradford in lieu thereof.

In Wilcox.

Sec. 23. *And be it further enacted*, That the election precinct at the house of John Jenkins in Wilcox county, be discontinued; and that an election precinct be established at the house of William Stubblefield in said county.

(Approved, Dec. 22, 1823.)

AN ACT

To revise and amend an act, entitled An act to revise, consolidate, and amend the several acts, relative to the Militia of this State.

Lt. Cols. &
Majs. elec-
ted by their
battalions,
& to reside
within the
same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That lieutenant colonels and majors shall hereafter be elected by all free white males over the age of eighteen years within their respective battalions; and that the aforesaid officers shall reside within the limits of their battalions; and all battalion and platoon officers hereafter elected, shall upon the certificate of the colonel commanding, or commanding officer of any regiment, certifying that any person has been duly elected to any military appointment in their respective command, shall be sufficient to constitute the person so elected, the proper officer of such battalion or company; who shall upon the receipt of the aforesaid certificate be vested with the same authority, and as

Certificate
of Col. suf-
ficient evi-
dence to
entitle to
act.

amenable to the militia laws of this state, as commissioned officers: *Provided*, That no person shall enter on the discharge of any military duty unless he take the oath heretofore prescribed: *Provided also*, that nothing herein contained shall interfere with the mode heretofore prescribed for contesting elections. Provide.

Sec. 2. *And be it further enacted*, That it shall be the duty of the commanding officer of the different regiments of this state to forward on to the secretary of state, the names of officers thus elected, within their respective commands; and on the receipt of the same, the Governor shall commission accordingly; and should the person elected refuse or neglect for thirty days after the receipt of his commission, to qualify and to notify the commanding officer of the regiment of his having qualified as directed by law, the officer thus refusing or neglecting, shall be presumed to have resigned and shall be disqualified from holding any military appointment for two years thereafter. Returns to be forwarded to Sec'y of State for commissions. Officers failing to qualify, ineligible for two years.

Sec. 3. *And be it further enacted*, That it shall hereafter be the duty of adjutants to drill all the officers of their respective regiment the day preceding the regimental muster, under the superintendence of their colonel commandant or commanding officer; and that all non-commissioned officers be, and they are hereby, exempted from attending said drills. Adjutants to drill officers. Non-commissioned officers not to attend drills.

Sec. 4. *And be it further enacted*, That in addition to the duties heretofore prescribed for adjutants of regiments, they are hereby required within ten days after their regimental muster, to furnish their colonel commandant or commanding officer, with a full and complete return of the strength of the regiment; which return shall be countersigned by the commanding officer, and transmitted within twenty days thereafter to the adjutant general of this state; whose duty it shall be to consolidate the same, should he not receive the returns of the assistant adjutants general, or should they not be complete. Adjutants to return strength of their regiments.

Sec. 5. *And be it further enacted*, That the following fines shall be assessed on officers and privates failing to perform any of the duties required by the militia laws of this state: on a major or brigadier general, not less than fifteen nor more than two hundred dollars; on a colonel, not less than ten nor more than one hundred dollars; on a lieutenant colonel or major, not less than eight nor more than seventy-five dollars; on a captain, not less than four nor more than fifty dollars; on a lieutenant or ensign, not less than three nor more than thirty dollars; on any of the regimental staff, not less than three nor more than thirty dollars; on non-commissioned officers, not less than two nor more than ten dollars; and on privates, not less than one nor more than three dollars. Fines.

Managers to furnish persons elected with certificate. **Sec. 6.** *And be it further enacted,* That the superintendents of elections for company officers, in addition to the returns now required by law; shall furnish the person elected with a certificate of his election.

Company courts martial. **Sec 7.** *And be it further enacted,* That company courts martial shall be held not less than ten, nor more than twenty days after their respective musters, of which, all delinquents shall be notified by a non-commissioned officer, at least five days previous to holding said court martial; and any person aggrieved by the decision of said court, shall within ten days thereafter be entitled to an appeal to the battalion court martial.

General courts martial. **Sec. 8.** *And be it further enacted,* That general courts martial shall hereafter be composed of a majority of the field officers within the brigade, for the purpose of trying field and platoon officers charged with capital offences; and that the power to try all delinquents, commissioned and non-commissioned officers and privates, at regimental drills and musters be given to the regimental courts martial: *Provided,* That any person thinking himself aggrieved shall within ten days after the adjournment of said court martial, have the privilege of appealing to the general court martial; and it shall be the duty of the presiding officer of said regimental court martial upon an appeal taken, to forward on the proceedings in the case to the general court martial.

Judge advocates, their compensation. **Sec. 9.** *Be it further enacted,* That judge advocates hereafter attending courts martial shall be allowed no more than four dollars for each day they may be engaged in completing the records of the same.

Q.M. Gen. to have arms cleaned, &c. **Sec. 10.** *Be it further enacted,* That it shall be the duty of the quarter master-general to have the public arms now in the arsenal cleaned, and such of them repaired, as can be rendered serviceable.

Asst. Adj. Gen'l. not required to attend drills, &c. **Sec. 11.** *Be it further enacted,* That so much of the militia laws of this state as makes it the duty of the assistant adjutants general to attend the regimental drills, musters and reviews, and paying him for the same; and so much of the aforesaid law as requires persons to swear they are unable

Repeal. to purchase a gun without injury to themselves, or families; and all other parts of the aforesaid law that conflicts with the provisions of this act, be, and the same are hereby, repealed: *Provided however,* That this act shall not be so construed as to require any one to appear on parade with a gun who does not own one.

Tuskaloosa Volunteers incorporated. **Sec. 12.** *Be it further enacted,* That the volunteer infantry company, in the town of Tuskaloosa, be, and the same is hereby incorporated, under the name and style of *The Tuskaloosa Volunteers*, so far as to enable said company to ordain, establish, and enforce such rules, regulations and by-laws, in relation to their own body, as may tend to promote subordination and discipline in the same.

Sec. 13. *Be it further enacted*, That the quota of public arms hereafter received shall remain in the arsenal boxed up, occasionally examined, cleaned and oiled, under the superintendence of the quarter-master-general; and that the Governor is hereby required to examine into the state and condition of said arms as often as may, in his opinion, be necessary—and that so much of the existing laws as conflicts with the provisions of this section, be, and is hereby repealed.

Arms to remain in the public arsenal.

(Approved, Dec. 31, 1823.)

AN ACT

Dividing the twenty-second regiment of the Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Cahawba River from where it passes the line of Dallas county, down the same to its confluence with the Alabama river, thence down said river to the mouth of Cedar creek, thence up said creek to the point where the line of division between the counties of Dallas and Wilcox crosses the same, shall be the dividing line between the twenty-second and the forty-first regiments.

Line between the two regiments.

Sec. 2. *And be it further enacted*, That all that part of Dallas county, lying east of said rivers and the said Cedar creek, shall constitute the twenty-second regiment; and all that part of said county, lying west of said rivers and creek, shall constitute the forty-first regiment of Alabama militia: and it is hereby made the duty of the brigadier general, to issue his writ for the election of a colonel commandant of said forty-first regiment, who, as soon as he shall be elected and qualified, shall proceed forthwith to organize said regiment according to law: *Provided*, That nothing in this act contained, shall be so construed as to prevent an exchange of companies or any alteration in the boundaries of the regiments, should a majority of the commissioned officers of the regiments think it advisable so to exchange or alter said boundaries: *Provided further*, That whenever the population on the east side of the Alabama river shall be sufficient to form a regiment, then the said Alabama river shall be the dividing line between said regiments, and shall not be subject to any alteration, unless otherwise directed by law.

Brig. Gen. to issue writ of election.

Proviso.

(Approved, Dec. 31, 1823.)

AN ACT

For the further organization of the Militia in the Counties of Pike and Covington.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the militia in the county of Pike shall compose the forty-second regiment; and the militia in the county of Covington, shall compose one battalion.

42d regiment. Bat. in Covington.

Sec. 2. *And be it further enacted*, That it shall be the du-

Brig. gen.
to order e-
lections.

ty of the brigadier general of the eighth brigade to hold or cause to be held, an election at the court-house in Pike county, on the second Monday in March next, or so soon thereafter as may be convenient, for a colonel of said regiment, conformably to the militia law now in force, in this state.

Col. of 25th
reg. to or-
derelection

Sec. 3. *And be it further enacted.* That the colonel commandant of the twenty-fifth regiment of the militia aforesaid, shall in the same manner prescribed in the preceding section, hold an election in the county of Covington for a major commandant; and said officer so elected, shall organize and officer their said commands according to the militia law.

New brig-
ade formed

Sec. 4. *And be it further enacted,* That the counties of Pike, Henry and Covington shall compose the tenth (eleventh) brigade of the aforesaid militia, and shall be organized and officered under the same rules and regulations as are pointed out by the militia law, now in force, in this state; any law to the contrary notwithstanding.

(Approved, Dec. 30, 1823.)

AN ACT

Making appropriations for the year one thousand eight hundred and twenty-four.

Formem-
bers Gen.
Assembly.
Governor

Judges

Executive
officers.

Attorney
general.

Solicitors.

Adjutant
general.

Quarter
master gen.

Sec'y of
Senate and

clerk of H.
of Rep.

Ass't. clk's

Door-kee-
per.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the following sums of money, be, and they are hereby appropriated to defray the expenses of the civil list and other necessary charges of government, namely: for the pay of the members of the General Assembly and their expenses at the present session, twenty-five thousand dollars; for the the payment of the annual salary of the Governor of this state, two thousand dollars; for the payment of the annual salaries of the judges of the circuit courts, seventeen hundred and fifty dollars each, making ten thousand five hundred dollars; for the payment of the annual salaries of the secretary of state, comptroller and treasurer, one thousand dollars each, making three thousand dollars; for the payment of the annual salary of the attorney general, three hundred dollars; for the payment of the annual salaries of the circuit solicitors, two hundred and fifty dollars each, making twelve hundred and fifty dollars; for the payment of the adjutant general, one hundred dollars; for the payment of the quarter master general, one hundred dollars; for the payment of the secretary of the Senate and clerk of the House of Representatives, each seven dollars per day; for the payment of the assistant clerks of both branches of the General Assembly, each five dollars per day; for the payment of the door keepers of the Senate and of the House of Representatives, each four dollars per day; to be paid out of any money in the treasury not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the sum of one hundred dollars be allowed the secretary of the Senate for ex officio services in arranging the papers of the Senate and preparing the Journal for the press. Secretary of Senate.

Sec. 3. *And be it further enacted*, That the sum of one hundred dollars be allowed the clerk of the House of Representatives for ex officio services in arranging the public papers and preparing the Journal for the press. Clerk of H. of Rep.

Sec. 4. *And be it further enacted*, That the sum of two hundred and fifty dollars be appropriated as compensation to the secretary of state, for copying the Laws and Journals of the present session of the General Assembly and preparing them for the press. Secretary of state.

Sec. 5. *And be it further enacted*, That the sum of two hundred dollars be allowed the comptroller of public accounts for clerk hire paid by him during the present session. Comptrol-ler.

(Approved, Dec. 31, 1823.)

AN ACT

Making appropriations for certain claims against the State, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sum of eight hundred dollars be, and the same is hereby appropriated to the payment of the road commissioners appointed under the act of the seventeenth of December, one thousand eight hundred and twenty-one, if so much should be necessary, to be paid out of any money in the treasury not otherwise appropriated: *Provided*, That the same shall be reimbursed out of the three per cent. fund, when so much thereof shall be received. Appropriations for Road Commissioners.

Sec. 2. *Be it further enacted*, That the sum of seven hundred dollars be, and the same is hereby appropriated for the payment of the returning officers, appointed under the act of the last session, entitled "An act to divide the State into Districts for electing Representatives to Congress," if so much should be necessary, to be paid out of any money in the Treasury not otherwise appropriated. For returning officers of election for Rep's. in Congress.

Sec. 3. *Be it further enacted*, That the sum of one hundred and fifteen dollars and twenty cents be, and the same is hereby appropriated to the payment of William Campbell, jailer of Morgan county, for provisions furnished to certain prisoners in the jail of said county. For Jailer of Morgan.

Sec. 4. *Be it further enacted*, That the sum of thirty-two dollars and forty cents be, and the same is hereby appropriated to the payment of Jonathan Rhodes, jailer of Lauderdale county, for provisions furnished to certain prisoners in the jail of said county. For Jailer of Lauderdale.

Sec. 5. *Be it further enacted*, That the sum of sixty-three dollars and twenty cents be, and the same is hereby appropriated to the payment of John W. Gregory, jailer of St. Clair county, for provisions furnished to certain prisoners in the jail of said county. For Jailer of St. Clair.

For late
Sheriff of
Lauder-
dale.

Sec. 6. *Be it further enacted*, That the sum of seventy four dollars be, and the same is hereby appropriated to the payment of C. B. Roundtree, late sheriff of Lauderdale county, for provisions furnished James C. H. Willbourne, late a state prisoner in the jail of said county.

For Sheriff
of Lauder-
dale.

Sec. 7. *Be it further enacted*, That the sum of thirty-six dollars and forty cents be, and the same is hereby appropriated to the payment of Joseph N. Baker, sheriff of Lauderdale county, for provisions furnished Peter H. Roberts, a state prisoner in the jail of said county.

For Sheriff
of St.Clair.

Sec. 8. *And be it further enacted*, That the sum of fifty-nine dollars and twenty cents be, and the same is hereby appropriated to the payment of John Massey, sheriff of St. Clair county, for provisions furnished to certain prisoners in the jail of said county.

For Jailer
of Lauder-
dale.

Sec. 9. *Be it further enacted*, That the sum of fifty-five dollars and sixty cents be, and the same is hereby appropriated to the payment of Richard D. Doyle, jailer of Lauderdale county, for provisions furnished James Brauson, a state prisoner in the jail of said county.

For Jailer
of Maren-
go.

Sec. 10. *Be it further enacted*, That the sum of thirty-two dollars and eighty cents be, and the same is hereby appropriated to the payment of Jacob Lindsay, jailer of Marengo county, for provisions furnished to certain prisoners in the jail of said county.

For Sheriff
of Jackson.

Sec. 11. *Be it further enacted*, That the sum of thirty-seven dollars and twenty cents be, and the same is hereby appropriated to the payment of Silas Parsons, sheriff of Jackson county, for provisions furnished to certain prisoners in the jail of said county.

For James
F. Roberts.

Sec. 12. *Be it further enacted*, That the sum of fifty dollars be, and the same is hereby appropriated to the payment of James F. Roberts, for his services ten days acting judge advocate of a general court martial, convened in the city of Mobile on the third Monday in April, one thousand eight hundred and twenty-two.

For Edwd.
Herndon.

Sec. 13. *Be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated to the payment of Edward Herndon, for three days' services acting judge advocate of a general court martial, convened at Greensborough on the tenth January, one thousand eight hundred and twenty-two.

For J. Hol-
man.

Sec. 14. *Be it further enacted*, That the sum of five dollars be, and the same is hereby appropriated to the payment of James B. Holman, for one day's service acting judge advocate of a general court martial, convened at Huntsville on the twentieth September last.

For R. B.
Watson.

Sec. 15. *Be it further enacted*, That the sum of five dollars be, and the same is hereby appropriated to the payment of R. B. Watson, for one day's service acting judge advocate of a general court martial, convened at Selma on the fifteenth September last.

For W. R.
Morrison.

Sec. 16. *Be it further enacted*, That the sum of twenty-five dollars and thirty-eight cents be, and the same is hereby appropriated to the payment of William R. Morrison, late tax collector of Dallas county, being for the amount of insolvencies for the

year one thousand eight hundred and twenty-two, allowed by the county court of said county.

Sec. 17. *Be it further enacted*, That the sum of one hundred and fifty dollars be, and the same is hereby appropriated to the payment of David Cobb, for apprehending Burket Green, (charged with the murder of Warren Hart,) and conveying him to the jail of Madison county, in pursuance of a reward offered by His Excellency the acting Governor on the tenth of August, one thousand eight hundred and twenty one. For David Cobb.

Sec. 18. *Be it further enacted*, That the sum of four hundred and twenty-three dollars and twenty cents be, and the same is hereby appropriated to the payment of Timothy Merrick, jailer of Mobile county, for provisions furnished to certain prisoners in the jail of said county. For Jailer of Mobile.

Sec. 19. *Be it further enacted*, That the sum of one hundred and forty-five dollars and sixty cents be, and the same is hereby appropriated to the payment of Josiah D. Lister, sheriff of Washington county, for provisions furnished to certain prisoners in the jail of said county. For Jailer of Washington.

Sec. 20. *Be it further enacted*, That the sum of forty-eight dollars be, and the same is hereby appropriated to the payment of William B. Wills, sheriff of Clarke county, for provisions furnished to certain prisoners in the jail of said county. For Sheriff of Clarke.

Sec. 21. *Be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated to the payment of John Wallace, for taxes improperly paid by him in the year one thousand eight hundred and twenty. For John Wallace.

Sec. 22. *Be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated to the payment of Abijah Yager, for taxes improperly paid by him in the year one thousand eight hundred and twenty. For A. Yager.

Sec. 23. *Be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated to the payment of the legal representative of Stephen Potts, deceased, for taxes improperly paid in the year one thousand eight hundred and twenty. For Stephen Potts.

Sec. 24. *Be it further enacted*, That the sum of ten dollars be, and the same is hereby appropriated to the payment of Ansel Sawyer, for two days' services acting judge advocate of a general court martial held at the court-house in the county of Bibb, on the eighteenth day of November, one thousand eight hundred and two, and on the twenty-second day of February last. For Ansel Sawyer.

Sec. 25. *Be it further enacted*, That the sum of eleven dollars and twenty cents be, and the same is hereby appropriated to the payment of Lee Slaughter, sheriff of Baldwin county, for provisions furnished Peter Anderson, a prisoner in the jail of said county. For Sheriff of Baldwin.

Sec. 26. *Be it further enacted*, That the sum of twenty-one dollars and twenty cents be, and the same is hereby appropriated to the payment of John Henderson, jailer of Lawrence county, for provisions furnished slaves Henry and Peter, during their confinement in the jail of said county. For Jailer of Lawrence.

Sec. 27. *Be it further enacted*, That the sum of nine dollars be, and the same is hereby appropriated to the payment of John A. Meroney, for his services as bailiff attending the circuit court of Shelby county, April and October terms, one thousand eight hundred and twenty-three. For J. A. Meroney.

For J.
Lawler.

Sec. 28. *Be it further enacted*, That the sum of four dollars and fifty cents be, and the same is hereby appropriated to the payment of John Lawler, for his services as bailiff attending the circuit court of Shelby county, April term, one thousand eight hundred and twenty-three.

For W.
Davis.

Sec. 29. *Be it further enacted*, That the sum of thirteen dollars and fifty cents be, and the same is hereby appropriated to the payment of William Davis, for his services as bailiff attending the circuit court of Shelby county, October terms in the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

For D.
M'Nair.

Sec. 30. *Be it further enacted*, That the sum of six dollars be, and the same is hereby appropriated to the payment of Daniel M'Nair, for his services as bailiff attending the circuit court of Shelby county, October term, one thousand eight hundred and twenty-three.

For J. D.
Harris.

Sec. 31. *And be it further enacted*, That the sum of sixteen dollars and fifty cents be, and the same is hereby appropriated to the payment of Joel D. Harris, for his services as bailiff attending the circuit court of Lawrence county, November term, one thousand eight hundred and nineteen, and February term, one thousand eight hundred and twenty.

For B.
Gray.

Sec. 32. *Be it further enacted*, That the sum of nine dollars be, and the same is hereby appropriated to the payment of Bazil Gray, for his services as bailiff attending the circuit court of Clarke county, April term, one thousand eight hundred and twenty-two.

For H. Wil-
liamson.

Sec. 33. *Be it further enacted*, That the sum of seven dollars and fifty cents be, and the same is hereby appropriated to the payment of Hendrick Williamson, for his services as bailiff attending the circuit court of Clarke county, October term, one thousand eight hundred and twenty-one.

For R.
Ford.

Sec. 34. *Be it further enacted*, That the sum of six dollars be, and the same is hereby appropriated to the payment of Roswell Ford, for his services as bailiff attending the circuit court of Clarke county, October term, one thousand eight hundred and twenty-two.

For W. L.
Buckham.

Sec. 35. *Be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated to the payment of William L. Buckham, for his services as bailiff attending the circuit court of Clarke county.

For Jailer
of Madison.

Sec. 36. *Be it further enacted*, That the sum of two thousand and seventy-four dollars and seventy-two cents be, and the same is hereby appropriated to the payment of Daniel Rather, jailer of Madison county, for provisions furnished to certain prisoners in the jail of said county.

For Sheriff
of Decatur

Sec. 37. *Be it further enacted*, That the sum of seven dollars and sixty cents be, and the same is hereby appropriated to the payment of David Boshart, sheriff of Decatur county, for finding certain prisoners in the jail of said county.

For J. W.
Hooper.

Sec. 38. *Be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated to the payment of Joshua W. Hooper, for his services as bailiff attending the circuit court of St. Clair county, April and October terms, one thousand eight hundred and twenty-three.

Sec. 39. *Be it further enacted*, That the sum of seven dollars and seventy-five cents be, and the same is hereby appropriated to the payment of Richard B. Purdom, for his services making out a supplemental assessment for the year one thousand eight hundred and twenty-one. For R. B. Purdom.

Sec. 40. *Be it further enacted*, That the sum of ten dollars be, and the same is hereby appropriated to the payment of George Coulter, for his services as prosecuting attorney on the part of the state, in the trial of negro slave Hector, in Lauderdale county, on the tenth day of July last. For G. Coulter.

Sec. 41. *Be it further enacted*, That the sum of ninety-eight dollars and eighty cents be, and the same is hereby appropriated to the payment of John M. Bates, sheriff of Greene county, for provisions furnished to certain prisoners in the jail of said county. For Sheriff of Greene.

Sec. 42. *Be it further enacted*, That the sum of fifty-six dollars and eighty cents be, and the same is hereby appropriated to the payment of James A. Bates, jailer of Greene county, for provisions furnished to certain prisoners in the jail of said county. For Jailor of Greene.

Sec. 43. *Be it further enacted*, That the sum of two hundred and seventy-eight dollars be, and the same is hereby appropriated to the payment of William B. Allen, for printing done for both branches of the legislature the present session. For W. B. Allen.

Sec. 44. *Be it further enacted*, That the sum of twelve dollars be, and the same is hereby appropriated to the payment of George Kreps, for a table and book-case for the clerk of the House of Representatives. For Geo. Kreps.

Sec. 45. *Be it further enacted*, That the sum of ninety-eight dollars and fifty cents be, and the same is hereby appropriated to the payment of John B. Norris, sheriff of Dallas county, for his services attending the supreme court, room rent and contingencies, June and December terms, one thousand eight hundred and twenty-three. For Sheriff of Dallas.

Sec. 46. *Be it further enacted*, That the sum of one hundred and fifty dollars and eighteen cents be, and the same is hereby appropriated to the payment of R. B. Watson, door-keeper of the House of Representatives, for stationery, fuel, candles, &c. furnished this House during the present session. For Door-keeper H. of Representatives.

Sec. 47. *Be it further enacted*, That the sum of one hundred and twenty-nine dollars & fifty-five cents be, and the same is hereby appropriated to the payment of Thomas H. Wiley, for stationery, &c. furnished both branches of the legislature during the present session, and for the executive, treasurer and comptroller's office. For T. H. Wiley.

Sec. 48. *Be it further enacted*, That the sum of two hundred and sixty-eight dollars and thirteen cents be, and the same is hereby appropriated to the payment of Jesse Beene, clerk of the supreme court of this state, for services rendered in state causes in said court, and for recording in a well bound book the decisions of the said supreme court from its commencement to this time. For Clerk Supreme Court.

Sec. 49. *Be it further enacted*, That the sum of ten dollars be, and the same is hereby appropriated to the payment of C. F. Stewart, for two days' services as judge advocate of a general court martial, held at Canton in December, one thousand eight hundred and twenty-three. For C. F. Stewart.

- Representatives of G.V. Dick.** Sec. 50. *Be it further enacted*, That the sum of thirty-five dollars be, and the same is hereby appropriated to the payment of the legal representatives of George V. Dick, deceased, for taking charge of the public furniture, pursuant to a resolution of the General Assembly passed the last session.
- For Jailer of Conecuh** Sec. 51. *Be it further enacted*, That the sum of sixty-two dollars be, and the same is hereby appropriated for the payment of Micajah Shirley, jailer of Conecuh county, for provisions furnished certain state prisoners confined in the jail of said county.
- For Jailer of Autauga** Sec. 52. *Be it further enacted*, That the sum of two hundred and seventy dollars be, and the same is hereby appropriated to the payment of William Holbrook, for provisions furnished prisoners in the jail of Autauga county.
- Necessary vouchers to be produced.** Sec. 53. *And be it further enacted*, That the amounts hereby appropriated, shall not be drawn but upon the production of the evidence required by the existing laws, of the correctness of the claims hereby provided for, to the comptroller of public accounts.
- For Sheriff of Shelby.** Sec. 54. *And be it further enacted*, That the sum of thirty-one dollars and eighty-seven and one half cents be, and the same is hereby appropriated for the payment of Ezekiel Henry, sheriff of Shelby county, for victualling John Goodman and George Thompson, who were committed to his care, on a charge of having passed counterfeit money.
- Bailiffs to be paid out of County Treasury.** Sec. 55. *And be it further enacted*, That from and after the passing of this act, the accounts of bailiffs for services attending the circuit courts, shall be paid out of the county treasuries.
- For Jailer of Jefferson** Sec. 56. *Be it further enacted*, That the sum of ninety-six dollars and forty cents be, and the same is hereby allowed and appropriated to Thaddeus A. Reed, jailer of Jefferson county, for victualling Henry Speck and M. Gillam, state prisoners in the jail of said county, pursuant to an allowance of the circuit court of said county.
- For Clerk of Dallas.** Sec. 57. *Be it further enacted*, That William Boswell be allowed the sum of twenty-three dollars thirty one and a quarter cents, for postage paid by him on business of the state.
- For Constables in Jefferson.** Sec. 58. *Be it further enacted*, That the sum of forty three dollars and fifty cents be appropriated, if so much should be necessary, for the payment of sundry certificates to constables for attending the circuit court of Jefferson county.
- For W. B. Allen.** Sec. 59. *Be it further enacted*, That the sum of thirty-five dollars be allowed and appropriated to the payment of William B. Allen, for printing done by order of the Governor.
- For Sheriff of Jefferson** Sec. 60. *Be it further enacted*, That the sum of three hundred and forty-six dollars be, and the same is hereby appropriated to the payment of Thaddeus A. Reed, jailer of Jefferson county, for victualling John Goodman, John Reed, Thomas Davis, William Burnett, Jacob Jackson, Henry Speck, Richard Corbit and James Covey, state prisoners, confined in the jail of said county, all of whom are reported to be insolvent.
- For T. O. Meux and others.** Sec. 61. *Be it further enacted*, That the sum of fifty-nine dollars and forty-nine cents be, and the same is hereby appropriated to the payment of Thomas O. Meux, Stephen Steele, William Lee, Thomas White and Jack F. Ross, if as much should be necessary, for money overpaid into the treasury: to be paid

out of the fund arising from the sale of lots in the town of Cahawba.

Sec. 62. *Be it further enacted*, That the sum of ninety-one dollars and fifty cents, be appropriated for the payment of station-ary, fuel, and other expenses of the Senate during the present session, to be paid to M. D. Thomason, door-keeper thereof. For Door-keeper of the Senate.

Sec. 63. *Be it further enacted*, That a sum not exceeding eight hundred dollars be, and the same is hereby appropriated, for the purpose of carrying the State Bank into operation, to be drawn on the certificates of the Governor. For carrying State Bank into operation.

Sec. 64. *Be it further enacted*, That the comptroller of public accounts is hereby required to draw warrants on the state treasury, for the above appropriations, upon the production to him of evidence in support of the same, pursuant to the existing laws; which evidence shall be by him filed away in his office. Comptroller to draw warrants.

Sec. 65. *Be it further enacted*, That the following sums be, and the same are hereby appropriated for the payment of Daniel Rather, jailer of Madison county, for keeping in the jail of said county the following persons, to wit: John Skelton, of Franklin county, from the twenty first of December, eighteen hundred and twenty-two, until the thirtieth of September, eighteen hundred and twenty-three, both days included, at forty cents per day, the sum of one hundred and thirteen dollars and sixty cents. For keeping David M. Smithson, from the county of Franklin, from the ninth day of June, eighteen hundred and twenty-three, until the eleventh day of October, eighteen hundred and twenty-three, both days included, at forty cents per day, the sum of forty dollars. For keeping Westley, (a negro man slave belonging to Mr. Goodlaw,) of Franklin county, from the twenty-second of April, eighteen hundred and twenty-three, until the second day of June, eighteen hundred and twenty-three, both days included, at forty cents per day, the sum of sixteen dollars and eighty cents. For keeping James Springer, of Marion county, from the eleventh of June, eighteen hundred and twenty-three, until the seventh of July, eighteen hundred and twenty-three, both days included, at forty cents per day, the sum of ten dollars and eighty cents. For keeping Jesse Bethea, of Lauderdale county, from the twenty-eighth day of April, eighteen hundred and twenty-three, until the ninth day of September, eighteen hundred and twenty-three, both days included, at forty cents per day, the sum of fifty-four dollars: *Provided*, the comptroller shall not issue his warrant for the above sums, in favor of said Daniel Rather, jailer of Madison county, until he shall produce the several accounts above stated, duly authenticated according to law. For Jailer of Madison

Sec. 66. *Be it further enacted*, That the sum of one hundred and twenty-seven dollars be, and the same is hereby appropriated to the payment of John Martin, assistant adjutant general of the fifth brigade, upon the production of legal testimony, to establish the same as is herein provided. For Assist. Adj. Gen. 5th Brig.

Sec. 67. *And be it further enacted*, That twenty dollars be allowed Jesse Beene, for prosecuting in behalf of the state as attorney general, at the October term of the circuit court of the county of Wilcox, one thousand eight hundred and twenty-three. For Jesse Beene.

(Approved, Dec. 31, 1823.)

AN ACT

Refunding Benjamin Sherrod Taxes improperly paid.

State trea-
surer to re-
fund.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the treasurer of this state refund to Benjamin Sherrod, out of any monies in the treasury, the amount of taxes improperly paid by the said Sherrod, on fifteen hundred and eleven acres of first rate land, in the years eighteen hundred and twenty-two and twenty-three.

County
treasurer
to refund.

Sec. 2. *Be it further enacted,* That the treasurer of the county of Lawrence, refund to Benjamin Sherrod, out of any moneys in the county treasury, the amount of county taxes improperly paid by said Sherrod on fifteen hundred and eleven acres of first rate land, in the years eighteen hundred and twenty-two, and twenty-three.

(Approved, Dec. 9, 1823.)

AN ACT

For the relief of James Slaughter, tax collector of Limestone County in the year 1821.

Comptrol-
ler to re-
lease part
of a certain
judgment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the comptroller, be, and he is hereby authorized and required to release so much of a judgment obtained against James Slaughter, and Randolph Mitchell and Edward Smith as his securities, as tax collector for the county of Limestone for the year one thousand eight hundred and twenty-one, in favor of the state of Alabama, in the county court of Dallas county, as will leave a balance in favor of the state against them, of the sum of three hundred and ten dollars eighty-six and one fourth cents, with interest thereon from the day on which the same should have been paid, to the rendition of the judgment, at the rate of eight per cent. per annum, together with fifteen per cent. damage on said sum of three hundred and ten dollars eighty-six and one-fourth cents, besides the costs of said suit.

Sec. 2. *And be it further enacted.* That the credit given on the execution issued to the sheriff of Limestone county, of one hundred and sixty dollars, be credited on the balance remaining against them, the said James Slaughter, Randolph Mitchell and Edward Smith, as contemplated in the first section hereof.

(Approved, Dec. 9, 1823.)

AN ACT

For the relief of Robert H. Gregg, tax collector of Wilcox County for the year 1820.

Comptrol-
ler to allow
am't list of
insolvent's

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the comptroller of public accounts is hereby authorized and required, to issue his warrant in favor of the said Robert H. Gregg, for whatever amount the county

court of Wilcox county shall allow the said Robert H. Gregg for insolvencies in the tax list for the year eighteen hundred and twenty.

Sec. 2. *And be it further enacted*, That the sum so allowed shall not exceed eighty dollars and seventy-eight cents, taking into view the sum of forty-five dollars now in the hands of said Robert H. Gregg: *Provided*, That if the sum so allowed shall not amount to the sum of forty-five dollars, then and in that case the said Robert H. Gregg shall be compelled to pay the excess into the treasury of this state.

What sum,
it shall not
exceed.

Proviso.

Sec. 3. *And be it further enacted*, That the said Robert H. Gregg shall be allowed nine months from the passing of this act, for the purpose of completing his collection of taxes for the year eighteen hundred and twenty, if there should remain any yet due and unpaid.

Time for
completing
collections
extended.

(Approved, December 31, 1823.)

AN ACT

For the relief of the Tax collectors in certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That the tax collector of Marengo county be allowed until the first day of March next, to make his collections and pay the same into the public treasury; on his entering into bond, with sufficient security, to be approved as in the case of an original bond, for the faithful discharge of his duty as collector.

Time ex-
tended to
collector
of Marengo

Sec. 2. *Be it further enacted*, That the tax collector of the county of Lawrence, for the year eighteen hundred and twenty-three, be allowed until the first Monday in April next, to make his collections and pay the same into the public treasury; on his entering into bond with sufficient security, to be approved as in the case of an original bond, for the faithful discharge of his duty as collector.

To collec-
tor of
Lawrence.

Sec. 3. *And be it further enacted*, That the provisions of the second section of this act shall extend to the tax collectors of Lauderdale and Limestone counties, under the same restrictions that it does to the tax collector of Lawrence county.

To collec-
tors of Lau-
derdale &
Limestone.

Sec. 4. *Be it further enacted*, That Littleberry Maldin, be allowed until the first Monday of April next, to complete the assessments, and pay into the state treasury the balance of the taxes due from the county of Madison for the present year, one thousand eight hundred and twenty-three; on condition, that he shall enter into bond and security to be approved of by the judge of the county court, conditioned for the payment of the amount of the balance due from said county into the state treasury at the time herein designated.

To collec-
tor of
Madison.

Sec. 5. *Be it further enacted*, That the tax collectors hereby intended to be relieved, shall pay land office money or specie into the treasury.

Kind of mo-
ney to be
received.

Time al-
lowed to
collector
of Blount.

Sec. 6. *And be it further enacted*, That the tax collector of Blount county, be allowed until the first day of March next, upon his complying with the provisions of the second section of this act.

To collec-
tor of Co-
necuh.

Sec. 7. *And be it further enacted*, That the tax collector of Conecuh county, be, and he is hereby allowed until the first day of March next, to settle with the treasurer for the balance of tax due from said county.

(Approved, Dec. 31, 1823.)

AN ACT

For the relief of Thomas Berry.

May pay in
Huntsville
money.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the treasurer of this state is hereby authorized to receive of Thomas Berry, tax collector for the county of Jackson, the arrearages of the tax for the year one thousand eight hundred and twenty-one, in bills or notes, on the Planters' and Merchants' Bank of Huntsville.

(Approved, Dec. 31, 1823.)

AN ACT

For the relief of Benjamin Hatch.

State Road
from Ca-
hawba to
Mobile,
changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the state road leading from Cahawba to Mobile as runs through the plantation of Benjamin Hatch in Clarke county, be, and the same is hereby abolished.

Sec. 2. *And be it further enacted*. That the said state road shall run from the head of Carroll-street eastwardly until it strikes the dividing line between the lands of the said Benjamin Hatch and Sebastian Houpt; thence directly north upon the line between the said Benjamin Hatch and the aforesaid Sebastian Houpt one half mile; and from thence the best and most direct way to intersect the road as marked by the commissioners.

Sec. 3. *And be it further enacted*, That it shall be the duty of the overseer appointed to superintend the opening said road to cut and open the same in conformity with the provisions of this act, any law to the contrary notwithstanding.

(Approved, Dec. 30, 1823.)

AN ACT

To compensate Ferdinand Sannoner for a Map of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sum of one hundred and twenty dollars, be, and the same is hereby allowed to Ferdinand Sannoner, for a manuscript map of the state of Alabama, made from actual survey, at the request of the Governor of this state, to be paid out of any money in the treasury, not otherwise appropriated; for which sum the comptroller of public accounts is hereby required to issue his warrant in favor of said Sannoner.

(Approved, Dec. 31, 1823.)

AN ACT

Allowing a certain Salary to the Judge of the County Court of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the judge of the county court for the county of Mobile, shall be entitled to receive as his salary, the revenue arising from the taxing of billiard tables within the city of Mobile. To receive salary from tax on billiard tables

Sec. 2. *Be it further enacted,* That from and after the passage of this act, it shall and may be lawful for any person or persons, within the corporate limits of the city of Mobile, to keep a billiard table or tables: *Provided,* he, she or they, will well and truly pay to the tax collector of the said county, the sum of one hundred and fifty dollars, on or before the first day of December in each and every year, as a tax for the privilege of keeping such table. Billiard tables authorized in Mobile.

Sec. 3. *And be it further enacted,* That before any person or persons shall avail themselves of any of the privileges of this act, he, she or they, shall first apply to the judge of the county court aforesaid, for a license to keep such table, giving at the same time a bond with approved security to the said judge, in double the amount of said tax, for the faithful payment of said tax, on or before the term provided for in this act. To obtain license from judge and to give bond.

Sec. 4. *And be it further enacted,* That it shall be the duty of the said tax collector to pay to the said judge, the taxes collected as aforesaid, immediately on collecting the same; and on failure to do so, he shall be liable as in other cases of neglect or default, to pay over monies received on account of taxes due the state. Tax collector to pay judge.

Sec. 5. *Be it further enacted,* That the collector shall deduct his fees from the aforesaid tax collected by him, in the manner, and be allowed the same per cent. as he is allowed for collecting the state tax. Collector allowed fees.

Sec. 6. *Be it further enacted,* That should the tax on billiard tables amount to more than one thousand dollars, as aforesaid, it shall be the duty of the tax collector to pay the amount above the sum of one thousand dollars into the state treasury as in other cases. Excess to be paid into state treasury.

(Approved, Dec. 31, 1823.)

AN ACT

To allow Henry Hitchcock compensation for superintending the printing the Digest, and making the Index for the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an appropriation of twelve hundred dollars be, and the same is hereby made for Henry Hitchcock, for his expenses in travelling to, and from the city of New-York, and superintending the printing and correcting the manuscript copy of the Digest of this state, and making an index for the same. And the comptroller of this state is hereby Sum allowed.

authorized and required to issue his warrant on the Treasury for the same; which shall be paid out of any moneys in the Treasury not otherwise appropriated.

Appropriation to Rep rs. of H. Toulmin.

Sec. 2. *And be it further enacted by the authority aforesaid.* That the legal representatives of Harry Toulmin, deceased, be allowed the sum of one hundred dollars, for furnishing a table of contents to the Digest of the laws of this state, and for other services.

Sec. 3. *And be it further enacted,* That the aforesaid sum shall be considered a full and complete satisfaction for all labors and services which the said Harry Toulmin has performed, towards digesting the laws of the state of Alabama, and furnishing the table of contents for the same.

[Approved, Dec. 30, 1823.]

AN ACT

Appropriating the fines and forfeitures, accruing in Madison County, to the benefit of Green Academy.

Fines vested for five years.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all fines and forfeitures accruing to the county of Madison, in the circuit or county courts for said county, for five years from and after the first day of January next, shall by virtue of this act be vested in the president and trustees of Green Academy, in the said county of Madison, and their successors.

Sheriff, &c to pay to treasurer.

Sec. 2. *Be it further enacted,* That it shall be the duty of the sheriff for Madison county, or the clerk of either of said courts, as the case may be, to pay over to the treasurer appointed by the trustees of said Academy, for the time being, and his successors in office, all such sums of money as he may receive on account of fines and forfeitures hereafter accruing as aforesaid: *Provided nevertheless,* That the sheriff of said county is hereby authorized to pay to Thomas Phillips of said county, the sum of four hundred dollars, in full satisfaction for a certain negro man slave who was killed by the fall of a tree in cutting out a public road in said county, out of the first moneys by him collected.

Tho. Phillips allowed pay for a slave.

(Approved, Dec. 31, 1823.)

AN ACT

To regulate the Commissions of Assessors and Tax Collectors in this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the assessor and tax collector in each and every county in this state, excepting the counties herein after named, shall receive the following compensation for assessing, collecting and accounting for the taxes by them collected, to wit: Twenty per cent. on the first four hundred dollars; ten per cent. on the next six hundred dollars; six per cent. on the next thousand dollars; five per cent. on the next thousand dollars; and three per cent. on all sums over and above three thousand dollars; and five per

cent. for collecting the county tax: *Provided nevertheless*, That the tax collectors for the counties of Pike, Henry, Covington, Shelby, St. Clair, Pickens, Marion, Decatur, Blount, Jackson and Walker, shall receive the same compensation as is allowed by an act, entitled an act to provide for assessing and collecting the taxes of this state, passed the seventeenth day of December, eighteen hundred and twenty-one, and five per cent. for collecting and paying over the county tax.

Sec. 2. *And be it further enacted*, That the judge of the county court and commissioners of roads and revenue for the county of Dallas, be, and they are hereby authorized to levy a county tax in addition to the tax which they are now authorized to levy, of twenty-five per cent. on the state tax, if so much be necessary, for the purpose of paying for building the public county jail in said county.

County
Court of
Dallas to
levy tax.

Sec. 3. *And be it further enacted*, That hereafter it shall be the duty of the judge of the county court and commissioners of roads and revenue in this state, to cause the treasurers of their respective counties, as often as once a year, to make out a report of the situation of the county treasury, stating particularly what monies have been received by them during the preceding year, and from what source, and how disposed of; a copy of which report shall be filed in the office of the clerk of the county court, and published in a public newspaper, if there be one in such county; and also a fair copy to be placed on the court house door of the respective counties.

County
treasurer
to make
report.

(Approved, Dec. 30, 1823.)

AN ACT

For the relief of Thomas C. Jones.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Thomas C. Jones be restored to all the rights and privileges of citizenship in this state, as fully and completely, as though he had never forfeited the same; any law to the contrary notwithstanding.

(Approved, Dec. 31, 1823.)

AN ACT

For the relief of the People of the State of Alabama.

Whereas it consists with a just and liberal policy to afford relief to any portion of the people who labor under particular and unexpected grievances, arising from general legislation; and whereas the good people of the northern part of the state are subjected to much loss and inconvenience from the depreciated issues of one of the local banks:

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall and may be lawful for the tax collectors of the counties of Jackson, Decatur, Madison, Lime-

On certain
conditions,
the notes of
the Hunts-

ville Bank
receivable
for taxes.

stone, Lauderdale, Lawrence, Franklin, Morgan, Marion, and Blount, to receive the bills or notes payable to bearer, of the Planters' and Merchants' Bank of Huntsville, in payment of the taxes due to this state from the said counties, for the year eighteen hundred and twenty-four: *Provided*, That the president and directors of said bank, will enter into bond and security in such sum as may be approved of by the Governor, payable to the Governor aforesaid, and his successors in office, that said Bank will well and truly redeem all such Huntsville money received as aforesaid, by, or before the second Monday in November next, in the paper of specie paying banks, such as is receivable in the land offices in this state: *And provided further*, That the notes of the said bank shall not be received in payment of taxes until the Governor shall issue his proclamation certifying that the provisions of this act have been carried into effect.

Bank fail-
ing to re-
deem its
notes, suit
may be in-
stituted.

Sec. 2. *And be it further enacted by the authority aforesaid*, That if the said Planters' and Merchants' Bank of Huntsville, whose bills or notes as aforesaid are permitted to be received in payment of taxes as aforesaid, shall at any time refuse to redeem the same in specie, or in the notes or bills of specie paying banks, receivable at the land offices in this state, then and in that case, it shall be the duty of the comptroller to direct suit or suits to be instituted against the said Bank, according to the force, tenor and provisions of the act of the General Assembly of this state, passed the seventeenth day of December, eighteen hundred and twenty-one, entitled "An act in relation to the banking institutions of this state," by the solicitor of the fifth judicial circuit, or in case of his failure, by any other person appointed by the comptroller for that purpose, in the circuit or county courts of Madison county. And the court before whom such suit or suits shall be tried, shall without delay render judgment and award execution according to the provisions of the above recited act.

Bank ap-
pealing, 25
per cent.
damage
may be a-
warded.

Sec. 3. *And be it further enacted by the authority aforesaid*, That if on judgment being given against the said bank, refusing to redeem its bills or notes as aforesaid, the said bank should appeal from such judgment, then and in that case, it shall be the duty of the court to which such appeal is taken, on affirming the judgment of the court below, to assess twenty-five per cent. damages on such judgment, besides all costs of suit, any law to the contrary notwithstanding.

Collectors
to take
oath, on
paying into
Treasury.

Sec. 4. *And be it enacted by the authority aforesaid*, That the tax collectors respectively for the counties aforesaid, on making their return of the collection of the taxes aforesaid, shall take and subscribe an oath, that they have not directly or indirectly, exchanged any money receivable at the land offices of this state, and received by them in the payment of taxes; which oath shall be filed in the office of the comptroller.

Sec. 5. *And be it further enacted*, That all collectors in this state shall be, and they are hereby, authorized to receive the bills of the Huntsville Bank in payment of taxes, on the conditions contained in this act.

(Approved, Dec. 31, 1823.)

Provisions
of this act
extended
to all the
counties.

AN ACT

Authorizing a Lottery to aid in the improvement of the Navigation of Indian Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it may be lawful for the President and Directors of the Indian Creek Navigation Company, for the time being, and their successors, to raise by lottery, in one or more classes, as to them may seem most convenient and necessary, any sum not exceeding twenty thousand dollars, to be appropriated by them in improving the navigation of Indian Creek, from Huntsville to the Tennessee River, in conformity with their charter of incorporation: And the President and Directors aforesaid, for the time being, and their successors in office, shall, before they enter on the duties of their office, enter into a bond in their corporate capacity, in the penal sum of forty thousand dollars, payable to the Governor and his successors in office, conditioned for the faithful discharge of the several duties imposed upon them by this act; which bond may, from time to time, be put in suit, in the name of the Governor of said state and his successors, by any person injured by a breach thereof. And it shall be the duty of said corporation, within twenty days from the completion of the drawing of said lottery, to pay to the fortunate person or persons, or his or their order, all such prizes as may be drawn, agreeably to the scheme which they may have determined upon, and published by them. The said lottery shall be drawn in Huntsville, or at such other place as may be most expedient, giving due notice of the time and place of such drawing. Each of the said managers, and each clerk that may be employed, shall, before the drawing commences, take an oath to act fairly and impartially, in the discharge of his several duties; which oath may be administered by any justice of the peace. If the said lottery, or any class thereof, be not drawn within the year after the scheme of the same may have been published, the same shall cease; and said corporation shall refund on demand, the price of the tickets to the holder of the same.

President,
&c. of In-
dian Creek
Nav. Co.
may raise
money by
lottery.

To enter
into bond.

At what
time to pay
prizes.

Where
drawn.

To take
oath.

Within
what time
to be
drawn.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said President and Directors, for the time being, so soon as their term of office may expire, to deliver over, and transfer to their successors all monies by them received and collected on account of such lottery, together with a particular statement of the number of tickets sold;

To trans-
fer mo-
neys, &c.
to succe-
ssors.

the monies received on account of the same ; and all books and papers touching or relating to said lottery.

(Approved, Dec. 30, 1823.)

AN ACT

To vest in the Judge of the County Court and Commissioners of Roads and Revenue of the County of Henry, a certain portion of Land for County purposes.

Preamble. Whereas the commissioners for the county of Henry, previous to the survey of the land of that county, did select a site for the public buildings of the county of Henry, and did erect buildings for the said county to a considerable value ; and whereas since the selection of the said site, by a survey of the lands of said county it has been ascertained, that the buildings erected on the site so selected for the county of Henry, are erected on the sixteenth section intended by the General Government for the benefit of schools under the control of the legislature of this state :

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue of the county of Henry, be, and they are hereby authorized and required to lay off by survey, ten acres of land including the buildings erected for the county of Henry on the sixteenth section, in the most proper and convenient manner for the benefit of the seat of justice of said county ; which said ten acres of land so laid off, shall from and after the passage of this act, be vested in the said judge of the county court and commissioners of roads and revenue of the county of Henry, and their successors in office, for the space of twelve years, for the use and benefit of the county of Henry.

Part of
16th sec. to
be laid off
for county
purposes
for 12 years

Land with
improve-
ments
thereon, to
revert.

Sec. 2. *And be it further enacted,* That at the expiration of the said term of twelve years, all the buildings now erected on the said sixteenth section by the commissioners of the county of Henry, and all which may be hereafter erected on the ten acres reserved as aforesaid, and which may exist on the same at the expiration of the said term of twelve years, shall revert to the use and benefit of the said township to which the said sixteenth section belongs, according to the laws of the land which may then exist regulating such lands ; which said reversion of buildings and improvements on the aforesaid ten acres of land, shall be full satisfaction to the township for the use and occupation of the said ten acres of land for the said term of twelve years : *Provided,* That the school commissioners of said township shall deem it a sufficient consideration for the occupancy of the said quantity of land, for the period of twelve years as aforesaid.

Proviso.

(Approved, Dec. 20, 1823.)

AN ACT

For the relief of Martin Hogan,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Locky Russell of Madison county, be, and she is hereby, authorized to emancipate and set at liberty a certain negro man slave named Martin Hogan, so soon as she shall enter into bond with good security, payable to the judge of the county court and his successors in office, conditional, that the said Martin Hogan shall never become chargeable to the state of Alabama, or any county, city or town thereof; and that the right or rights of creditors shall not be injured thereby.

Martin Hogan emancipated.

Conditions

(Approved, Dec. 10, 1823.)

AN ACT

Declaring Cotaco, in Morgan County, a Public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Cotaco River in Morgan county, from its confluence with the Tennessee River, and up the same to John Wallace's Bridge, is hereby declared a public highway; and any person obstructing the free navigation of the same, between the points herein mentioned, by felling of timber or otherwise, such person or persons, shall forfeit and pay the sum of five dollars for each and every day the same may be permitted to remain in the said stream, to be recovered in any court having cognizance thereof, one half to the person suing for the same, and the other half to the county: *Provided,* That nothing in this act shall be so construed as to prevent the county court of Morgan from continuing or rebuilding the bridge at or near the place where the road from Somerville to Ditto's Landing crosses the said stream: *Provided also,* That the county court of Morgan county shall not have power to compel hands to work in opening or improving the navigation of said river.

From what points declared a highway.

Penalty for obstructing

Proviso.

Sec. 2. *And be it further enacted,* That nothing contained in the first section of this act, shall be so construed as to prevent any person who may own land between the above named points on said river from erecting a mill or other water works thereon.

[Approved, Dec. 10, 1823.]

AN ACT

For the relief of Cinthia Johnson,

Whereas it is made known to the General Assembly, by the petition of Cinthia Johnson, that her husband Jesse Johnson has left and abandoned her; and that all the property of the said Jesse Johnson has been sold in satisfaction of his debts, and that any property that she, the said Cinthia Johnson may acquire will be subject to be taken to satisfy said Jesse Johnson's debts: wherefore for the relief of her the said Cinthia Johnson,

Preamble.

Property
not liable
for the
debts of her
husband.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter no property which may be acquired by Cinthia Johuson (so long as she may live separate and apart from Jesse Johnson, her husband) shall be taken to satisfy any debts which have been, or hereafter may be, contracted by Jesse Johnson, her husband.

May sue,
&c. as a
feme sole.

Sec. 2. *And be it further enacted,* That the said Cinthia Johnson, so long as she remains separate and apart from her said husband, shall be able and capable in law of suing and being sued, in the same manner as a feme sole, in any court of law or equity within this state.

(Approved, Dec. 17, 1823.)

AN ACT

To alter the name of, and legitimate a certain person therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the name of Matilda Shaffell, be changed to that of Matilda Preslar.

Sec. 2. *And be it further enacted,* That the aforesaid Matilda, the natural child of Anthony Preslar is hereby legitimated.

(Approved, Dec. 9, 1823.)

AN ACT

To provide for the sale of Lands and Slaves at the towns of Courtland and Tuscumbia, in certain cases

Preamble.

Whereas, from the peculiar situation of the settlements in the county of Lawrence in this state, it is often prejudicial to the interest of both debtors and creditors, that lands and slaves taken in execution in said county and lying and being in the northern parts thereof, should be exposed to sale at the court-house in said county.

Sheriff to
sell land &
slaves in
execution,
within cer-
tain limits,
at Court-
land.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the sheriff or coroner of said county of Lawrence, from and after the first day of January next, to expose to sale all lands which may be levied on by execution lying and being in said county of Lawrence. and north of the line which divides townships number five and six, and all slaves which may be taken in execution belonging to defendants residing in said county and north of the line aforesaid, on the public square in the town of Courtland in said county of Lawrence, on the sale days in each month now prescribed by law, after having advertised the time and place of sale according to law.

Repeal.

Sec. 2. *And be it further enacted,* That so much of the second section of an act, entitled "An act concerning executions and sales by sheriffs, and for other purposes, passed at Cahawba on the twentieth December, one thousand

eight hundred and twenty, as comes within the purview and meaning of this act, be, and the same is hereby repealed.

Sec. 3. *And be it further enacted*, That it shall be the duty of the sheriff of Franklin county in like manner to expose to sale all lands and slaves which may be levied on by execution lying and being in said county of Franklin, and north of the line which divides townships numbered five and six, at the public square in the town of Tuscumbia, in said county of Franklin, on the sale days in each and every month, now prescribed by law, after having advertised the time and place of sale according to law.

Sheriff of Franklin to sell at Tuscumbia.

(Approved, Dec. 31, 1823.)

AN ACT

To declare Bassett's Creek, in Clarke County, a Public Highway, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the creek called Bassett's Creek, in Clarke county, and emptying into the Tombeckbe River, be, and the same is hereby declared a public highway from the mouth thereof, to the three forks of said creek opposite to General Joseph B. Chambers'.

Bassett's creek declared a public highway.

Sec. 2. *And be it further enacted*, That the Sepulgah Creek, in Conecuh county, be declared a public highway, from the mouth of Bottle Creek up to the mouth of Pigeon Creek. And said Pigeon Creek is hereby declared a public highway from its mouth, through Covington county, up to the twenty-fourth section, in township nine, range sixteen in Butler county.

Sepulgah & Pigeon creek declared highways.

(Approved, Dec. 30, 1823.)

AN ACT

To repeal so much of an act, passed on the 15th day of December, 1821, as allows Samuel Dale, for life, the half pay of a Colonel in the army of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the aforesaid recited act, as allows the said Samuel Dale the half pay of a colonel in the army of the United States, be, and the same is hereby repealed.

(Approved, Dec. 31, 1823.)

AN ACT

Pointing out the manner by which the Streets in the Towns of Tuskaloosa and Montgomery, shall be kept in good order, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it is hereby made the duty of the judge of the county court of Tuskaloosa county, and the commissioners of revenue and roads, when sitting for that purpose, to cause all the hands residing within the corporate limits of the town of Tuskaloosa, liable by law to work on public roads,

County court to apportion hands and appoint overseers.

to be apportioned to work on the several streets and public landings within the said town, as they may from time to time think necessary to have improved; and appoint one or more overseers to superintend the same. And the hands thus apportioned, shall be required to work thereon, under the rules and regulations, which are now, or may hereafter be, prescribed by law.

Sec. 2. *Be it further enacted*, That if at any time it shall be considered by the said county court, that the quantum of labor required on such streets and public landings should not be in proportion to what may be performed by hands, working in adjoining precincts, then and in that case, said court shall prescribe what further services shall be by the hands residing in said town performed; which shall be on main roads leading into said town and immediately contiguous to the same: *Provided however*, That the hands thus apportioned, shall in no wise be required to work a greater number of days in any one year, than other hands are by law required to work.

Persons residing without town, not to work on streets.

Sec. 3. *Be it further enacted*, That no hands residing without the limits of the said town of Tuscaloosa shall be required to work on the streets therein.

Provisions of this act, extended to Montgomery.

Sec. 4. *Be it further enacted*, That the provisions of the foregoing act, shall be and the same are hereby extended to the citizens of the town of Montgomery, under the same rules, regulations and restrictions as are hereby granted to the town of Tuscaloosa.

County courts to erect bridges, &c on state roads.

Sec. 5. *Be it further enacted*, That the authority now vested in the county courts, to establish bridges and public roads, is hereby extended to such courts, to exercise over the several state roads: *Provided also*, That the provisions of this act, shall extend to the lower part of the town of Tuscaloosa.

(Approved, Dec. 29, 1823.)

RESOLUTION

Respecting the further distribution of the Laws of this State.

Digest to be transmitted to our sister states.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor of this state, be, and he is hereby authorized and requested to transmit to the executive of the United States, four copies, and to the executive of each state in the United States two copies, for the use of the executives and legislatures of the same, respectively, of Toulmin's Digest of the laws of this state.

And be it further resolved, That the Governor be, and he is hereby authorized to draw upon the contingent fund for such sum as may be necessary to carry this resolution into effect.

(Approved, Dec. 29, 1823.)

RESOLUTIONS

Authorizing the Comptroller of Public Accounts, to receive all moneys and notes arising from the rents of the reserved Lands in the town of Cahawba

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the comptroller, be, and he is hereby authorized and empowered to receive of the commissions such notes and moneys as may have accrued from the rent of the reserved lands and ferries in and adjoining the town of Cahawba. Notes, &c to be paid to comptroller.

Be it further resolved, That the comptroller, be, and he is hereby authorized and required to collect all monies due on all notes which may be placed in his hands as aforesaid, and if necessary to institute suit for the same; which when collected, he shall pay over to the treasurer; whose duty it shall be to receive the same into the treasury, and keep a separate and distinct account of all such monies, subject to the future disposition of the legislature. Comptroller to collect & pay into treasury.

And be it further resolved, That all notes which may be hereafter taken for the rents of the reserved lands and ferries as aforesaid, shall be made payable to the Governor, and his successors in office, in whose name suits shall be brought for the benefit of the state. Notes to be taken in name of Governor.

And be it further resolved, That all notes which are now taken in the name of the commissioners may be sued for and recovered in the name of the Governor, and his successors in office.

[Approved December 30th, 1823.]

RESOLUTIONS

Providing for the safe keeping of the Furniture belonging to the State-House.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it is hereby made the duty of the door-keeper of the Senate, immediately after the adjournment of the present session of the legislature, to cause all the tables, chairs and other furniture belonging to the House of Representatives, to be safely deposited in the Senate chamber, and to lock the same; and retain the keys thereof until the next session of the General Assembly. Furniture to be put in the Senate chamber.

Be it further resolved, That it shall not be lawful for any use to be made of the furniture deposited as aforesaid, under any pretence whatever, previous to the meeting of the next legislature. Not to be used.

(Approved, Dec. 31, 1823.)

RESOLUTION

Appointing John A. Cotton and Williams Hendrick Commissioners to examine the State Road leading from Line Creek to Coffeetown.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That John

A. Cotton and Williams Hendrick, be appointed commissioners in the place of Edmund Lane and James S. Gaines, deceased, to examine the state road leading from Line Creek to Coffeerville.

(Approved, Dec. 31, 1823.)

RESOLUTIONS

In relation to certain depreciated paper in the Treasury of this State.

Treasurer
to present
for pay'ent

Not paid to
institute
suit.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it shall be the duty of the treasurer of this state to cause the sum of twelve hundred and sixty dollars to be presented to the Planters' and Merchants' Bank of Huntsville for payment; that being the amount of the paper of the said Planters' and Merchants' Bank of Huntsville, now in the treasury of this state. And should the same sum of twelve hundred and sixty dollars, not be paid according to the tenor and effect of the aforesaid bill or bills, note or notes, when demanded, it shall be the duty of the treasurer of this state to direct suit to be instituted against the said bank in the manner pointed out in an act of the General Assembly of this state, passed December seventeen, one thousand eight hundred and twenty-one, entitled an act in relation to the banking institutions of this state—by the solicitor of the fifth judicial circuit of this state; and the court before whom such suit may be brought, shall proceed to try the same, and give judgment in the same manner, which is in the aforesaid act expressed; and the judgment thereon rendered shall be against the president, directors and company of the Planters' and Merchants' Bank of Huntsville in their corporate capacity and style.

Bank ap-
pealing,
court to a-
ward 15
per cent
damages.

And be it further resolved, That if on judgment being given against said bank, an appeal shall be taken from such judgment; then it shall be the duty of the court to which such appeal is taken, on affirming the judgment of the court below, to give judgment against such bank with fifteen per cent. damages, besides all costs of suit; any law to the contrary notwithstanding.

And be it further resolved, That he be also required to exchange to the best advantage, other depreciated paper in the treasury, to the amount of one hundred and thirty-five dollars.

(Approved, Dec. 31, 1823.)

RESOLUTIONS

Allowing the Solicitor of the first judicial circuit, one hundred and fifty dollars in addition to his present salary for extra services by him performed.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the solicitor of the first judicial circuit of this state, be, and he is hereby allowed the sum of one hundred and fifty dollars in addition to his present salary for extra services by him

performed, in attending the several county courts exercising criminal jurisdiction, held in the city and county of Mobile, during the year one thousand eight hundred and twenty-three. And that the comptroller of public accounts, be authorized to draw his warrant upon the state treasurer for the same, to be paid out of any money in the treasury, not otherwise appropriated.

And be it further resolved, That the solicitor aforesaid. Annual salary increased.
for each and every year, shall be allowed the sum of one hundred dollars for his services rendered in the county court of the county of Mobile, so long as the county court of said county shall, or may have criminal jurisdiction.

Be it further resolved, That it shall be, and is hereby Made his duty to attend county court.
made the duty of the solicitor aforesaid, to attend to the criminal prosecutions in the county court of Mobile county.

(Approved, Dec. 20, 1823.)

RESOLUTIONS

Requiring the Chairman of the Committees on Enrolled Bills, to preserve the engrossed copies of all Acts and Joint Resolutions, and file them with the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the chairman of the enrolling committees be required to preserve the engrossed copies of all laws and joint resolutions which may be passed by the legislature of this state, and file them with the secretary of state.

And be it further resolved, That it shall be the duty of the secretary of state to hand over to the public printer all such laws and resolutions for printing.

(Approved, Dec. 17, 1823.)

RESOLUTION

Directing the Governor to commission the several persons elected members of the Medical Boards.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it is hereby made the duty of the speaker of the House of Representatives to certify to the Governor, the names of the persons who have been elected to compose the different Medical Boards in this state, and upon such certificate it is hereby made the duty of the Governor to commission accordingly.

Be it further resolved, That such persons as may be appointed by the different Medical Boards to fill vacancies, shall in like manner be commissioned by the Governor, upon the certificate of the members making such appointment.

(Approved, Dec. 29, 1823.)

RESOLUTION

Providing more effectually for the trial of the writ of *quo warranto* now depending in the fifth judicial circuit, against the Planters' and Merchants' Bank of Huntsville.

Whereas it has been represented to this General Assem-

Preamble.

bly, that either from the circumstance of the judges, who usually ride the fifth judicial circuit, holding stock in the Planters' and Merchants' Bank of Huntsville, or from some other cause, the trial of the writ of *quo warranto* instituted against that bank, in pursuance of an act of the General Assembly, entitled "An act in relation to the banking institutions of this state," passed December seventeen, one thousand eight hundred and twenty-one, has from time to time been delayed.

Judges to interchange so that the writ may be tried.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it is hereby expressly made the duty of the several circuit judges of this state, so to interchange circuits as to prevent any judge from riding the fifth judicial circuit, who may be, however remotely, interested in the bank aforesaid, either as counsel or otherwise, until the aforesaid writ of *quo warranto* now depending in the Madison circuit court, against the aforesaid Planters' and Merchants' Bank of Huntsville, has been finally decided in the said court.

(Approved, Dec. 29, 1823.)

RESOLUTION

In relation to the printing and distribution of the Acts, Resolutions and Journals of the General Assembly.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the public printer, be, and he is hereby required to print two thousand two hundred copies of the Acts, and Resolutions, one thousand copies of the Journal of the House of Representatives and seven hundred and fifty copies of the Journal of the Senate; and that he be required to distribute the same according to law.

(Approved, Dec. 31, 1823.)

RESOLUTIONS

Extending the time of payment of Lots in the town of Cahawba.

Act of 1821 extended to first of April.

Sec. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the provisions of the act, entitled "An act for the relief of purchasers at the first sale of lots in the town of Cahawba," be extended until the first Monday in April next: *Provided,* That legal interest be due and payable upon the several sums due, until the same be paid.

Time of payment extended to purchaser at 2d sale.

Sec. 2. *And be it further resolved,* That purchasers at the second sale of lots in the town of Cahawba, be allowed until the first Monday in April, one thousand eight hundred and twenty five, by the payment of interest at the expiration of the time herein granted, to make complete payment upon said lots, and that all forfeitures heretofore accrued to the state, by the non-compliance of said purchasers, with

the terms of sale, be, and they are hereby released and remitted, until the first Monday of April, in the year of our Lord one thousand eight hundred and twenty-five.

[Approved, Dec. 9, 1823.]

RESOLUTION

Appointing Commissioners of reserved Lands in the town of Cahawba.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That David White and William Curtis, be appointed commissioners of the reserved lands and ferries of the town of Cahawba, in lieu of John Taylor, deceased, and John Howard, removed.

(Approved, Dec. 31, 1823.)

RESOLUTION

Requesting our Senators and Representatives in Congress, to procure the assent of Congress to two Bills for the improvement of our Navigation.

Whereas from a strict construction of the ordinance adopted by the convention of this state, so far as the same relates to the navigable rivers within the same, there are doubts as to the power of the legislature to organize companies with power and authority to improve even impassable points, on streams which have been designated as navigable, and to charge a toll for the use of their works; and whereas a number of our most considerable streams, are impassable at several points during the greater part of the year, if not at all times, and will so remain without very extensive improvements, such as the state will for many years be unable to make without the aid of individual enterprize: And whereas it is believed that it was the intention of the Government of the United States to prevent monopolies, and not to impede or virtually prohibit internal improvements in relation to our navigable waters.

Therefore be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators and Representatives in Congress, be, and they are hereby requested to use their best exertions to procure the consent of the United States to a revocation of said ordinance, in relation to that subject, or to such a modification thereof, as will enable this state to effect the improvement of its navigable waters; and particularly to obtain the consent of the United States to the provisions of two acts, passed at the present session of this legislature; the one entitled an act to improve the navigation of the Coosa River and to aid in its connexion with the Tennessee waters; the other an act to improve the navigation of the Tennessee River.

Resolved, That the Governor be requested to transmit a copy of said Acts, together with these Resolutions, to each of our Senators and Representatives in Congress.

[Approved, Dec. 31, 1823.]

RESOLUTION

Concerning the District Court of the United States.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators and Representatives in Congress, be requested to convey to that body, the anxiety which is felt by us, as the representatives of the people, that a law be passed to authorize the holding of the district court of the United States, at some place in the northern portion of this state; and that the Governor of this state, be, and he is hereby requested to transmit to each of our Senators and Representatives in Congress, a copy of this resolution.

[Approved, Dec. 31, 1823.]

DEPARTMENT OF STATE, }
CAHAWBA, JAN'Y. 22, 1824. }

It is hereby certified, that the foregoing Acts and Resolutions are correct copies, collated with, and corrected by, the original rolls deposited in this Department.

JAMES J. PLEASANTS,
Secretary.

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